

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action
	)	No. 13-10200-GAO
	)	
DZHOKHAR A. TSARNAEV, also	)	
known as Jahar Tsarni,	)	
	)	
Defendant.	)	
	)	

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

**SENTENCING**

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Wednesday, June 24, 2015  
9:44 a.m.

Marcia G. Patrisso, RMR, CRR  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
One Courthouse Way, Room 3510  
Boston, Massachusetts 02210  
(617) 737-8728

Mechanical Steno - Computer-Aided Transcript

## 1 APPEARANCES:

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8 - and -

## 9 UNITED STATES DEPARTMENT OF JUSTICE

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14 On Behalf of the Government

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On Behalf of the Defendant

P R O C E E D I N G S

THE CLERK: All rise.

(The Court enters the courtroom at 9:44 a.m.)

THE CLERK: The United States District Court for the District of Massachusetts. Court is in session. Be seated.

For a sentencing in the case of *United States v. Dzhokhar Tsarnaev*, 13-10200. Would counsel identify yourselves for the record.

MR. WEINREB: Good morning, your Honor. William Weinreb for the United States.

MR. CHAKRAVARTY: Aloke Chakravarty for the United States.

MS. PELLEGRINI: Nadine Pellegrini for the United States.

MR. MELLIN: Good morning, your Honor. Steve Lynn for the United States.

MS. CLARKE: Judy Clarke, David Bruck, Miriam Conrad, and Bill Fick and Tim Watkins for Mr. Tsarnaev.

COUNSEL IN UNISON: Good morning, your Honor.

THE COURT: Good morning. We are convened for the imposition of sentence on Dzhokhar Tsarnaev upon his conviction of the crimes alleged in the indictment and upon the jury's sentencing determination. Let me begin by outlining how we will proceed this morning.

The jury's sentencing decision pertains only to the

1 capital counts of conviction; that is, those counts as to which  
2 the death penalty is potentially applicable. There are also a  
3 number of non-capital counts of conviction. As to those  
4 counts, sentence is imposed by the Court in accordance with  
5 usual procedures.

6 The relevant criminal statutes themselves set both  
7 upper and lower limits on the range of sentences authorized for  
8 particular offenses. In this case, the statutes require that  
9 some sentences be imposed consecutively rather than  
00:18 10 concurrently. In addition, before deciding on an appropriate  
11 sentence as to counts where the Court has a range of judgment  
12 under statutory provisions, the Court must consult the United  
13 States Sentencing Guidelines to determine what recommendation  
14 the Guidelines make with respect to sentencing options.

15 The Guidelines' recommendation is not binding on the  
16 Court, but advisory, but the Court must consider it along with  
17 other factors that may be pertinent. Accordingly, we'll first  
18 determine what the Guidelines recommendation is for the counts  
19 at issue.

00:19 20 After that, in accordance with statutory provisions  
21 regarding victims' rights, a number of victims of the  
22 defendant's crimes will address the Court. Following the  
23 victim statements, I will invite the parties to make whatever  
24 presentations they intend to make concerning issues related to  
25 the sentence. And finally, I will then impose sentence both as

1 to the capital counts as determined by the jury and as to the  
2 non-capital counts determined by me on the basis of the  
3 requirement and the considerations that I have outlined.

4 Turning to the question of the Guidelines: Typically  
5 in a criminal case our probation office will prepare a  
6 presentence report in accordance with the federal rule of  
7 criminal procedure 32. As to capital counts, no presentence  
8 report is prepared because the sentencing decision is made by  
9 the jury. Here, as I have noted, there are also non-capital  
00:20 10 counts as to which the Court must determine the sentence. I  
11 directed the probation office to prepare a limited presentence  
12 report for aid in determining the sentence for these counts.  
13 The probation office has done that and the parties have  
14 received that report. An updated report adding recent  
15 information was served on the parties on Monday.

16 Let me ask, pursuant to Rule 32(i)(1)(A) for the  
17 defense to confirm that the defendant and counsel have received  
18 and discussed this presentence report.

19 MS. CLARKE: We have, your Honor.

00:20 20 THE COURT: Thank you.

21 As I say, the presentence report sets forth a proposed  
22 application of the sentencing guidelines. It happens that in  
23 this case principally because of statutory prescriptions that  
24 the determination of the guideline offense level is rather  
25 straightforward. As set forth in the PSR at Paragraphs 18

1 through 31, the total offense level is 43. There are no  
2 criminal history points, but because the crimes involved a  
3 federal crime of terrorism, the criminal history category is  
4 deemed to be VI pursuant to Guideline Section 3A1.4(b).  
5 According to the guideline sentencing table, the recommended  
6 range of sentence is a total offense level of 43 and a criminal  
7 history category of six. At those levels the recommended range  
8 of sentence is a life sentence.

9 Neither party has formally objected to the proposed  
00:21 10 calculation or the determination of the life sentence  
11 recommendation for the controlling non-capital counts. I've  
12 reviewed the PSR's determination of the Guidelines  
13 recommendation and concur with it, and I therefore adopt it as  
14 set forth in the PSR.

15 Let me just add a couple of comments. First, the PSR  
16 notes the applicability of some enhancements to the offense  
17 level. I agree that the proposed enhancements are applicable,  
18 but as the PSR recognizes, they have no effect on the total  
19 offense level because at level 43, it is as high as it can get  
00:22 20 without -- whether with or without any enhancements. It is  
21 also the case that the guideline recommendation at Offense  
22 Level 43, which life imprisonment, is the same whether the  
23 criminal history category is I, based on actual criminal  
24 history points, or VI, based on the terrorism enhancement.

25 Second, the terrorism-related enhancement is one the

1 strict application of which I have previously criticized in  
2 another case. Every case is different and a much stronger  
3 argument can be made in this case than in the prior one for the  
4 strict application of the terrorism enhancement. Nonetheless,  
5 as I have noted, the guideline sentencing recommendation of  
6 life imprisonment would result even if the terrorism  
7 enhancement were to be ignored.

8 Any victim of the defendant's crimes has the right to  
9 present a statement before sentence is imposed. Some victims  
00:23 10 have submitted written statements, copies of which have been  
11 provided to the parties. I have read those victim statements  
12 and they will be filed in the docket of the case.

13 A number of victims have chosen to make oral  
14 statements at this hearing. The government has organized their  
15 presentations, and I invite the government now to ask the  
16 presenters to come forward one by one, or in small groups, and  
17 to make their statements. The speakers will address the Court  
18 from the podium located near the government counsel table.

19 Ms. Pellegrini?

00:23 20 MS. PELLEGRINI: Your Honor, the Campbell family.

21 MS. CAMPBELL: Good morning, Judge O'Toole. Good  
22 morning. I'm Patricia Campbell, and this is my husband William  
23 Campbell, my son, William Campbell, and my brother John Riley.

24 I'd just like to take this opportunity to say I want  
25 to thank the jury for what they did. I'm very pleased. And

1 your Honor. I feel that the parents brought you here for a  
2 reason, for a better life. And obviously you're intellectually  
3 pretty bright and you had -- you could have helped your brother  
4 get help. I feel that you went down the wrong road. I know  
5 life is hard but the choices that you made are despicable and  
6 what you did to my daughter is disgusting. And I don't know  
7 what happened. I mean, I really wish you had gotten the help  
8 for your brother. And -- I don't know what to say to you but I  
9 think the jury did the right thing.

00:25 10 Would you like to speak? This is my husband William.

11 MR. CAMPBELL: I want to thank you, your Honor. Thank  
12 you very much, and the jury as well for doing such a great job.

13 I'd just like to say that, you know, you failed as a  
14 soldier of your heart so he has to deal with what he has to  
15 deal with. I'm very pleased to see at least he won't hurt  
16 anybody else, and to take away such a precious life as he did  
17 with my daughter. I thank you.

18 THE COURT: Thank you.

19 MR. MELLIN: Karen McWatters, your Honor.

00:25 20 MS. McWATTERS: My name is Karen McWatters,  
21 M-C-W-A-T-T-E-R-S. This is my husband, Kevin McWatters. I'd  
22 like to start by thanking the prosecution team for the thorough  
23 case you presented and it has really shown your dedication to  
24 justice. I would also like to thank the jury for their  
25 service. This has been a very long and difficult process.



1           Your Honor, today I'd like to talk to you about my  
2 beautiful friend Krystle Campbell. I'd like to tell you about  
3 the kind of person she was and what losing her has meant to all  
4 of us that loved her.

5           The defendant and his brother took away a kind and  
6 loving person who would have never hurt anyone. She was not  
7 the enemy. They didn't even know her. Krystle didn't even  
8 have a chance to say good-bye to anyone that day. In a minute  
9 everything changed forever and Krystle was gone. And if you  
00:27 10 knew Krystle, you knew her family, they were the most important  
11 people in her life. You knew Nana, you knew Little Billy, you  
12 knew all their other family members because of all the stories  
13 she told about them. She spent so much time with them and she  
14 did whatever she could to help them whenever they needed  
15 something. Their heartache and sadness has been the hardest  
16 thing for me to watch. Those brothers took away their angel.

17           Krystle was in a relationship with Joe Collins. They  
18 were enjoying their time together and it was one of the  
19 happiest times in her life. She was in a really good place and  
00:27 20 all of her friends agreed that we had never seen her happier.

21 Joe was also there while her family waited at the hospital  
22 thinking that Krystle was having surgery only later to be told  
23 that it was me and that they had lost Krystle. We have watched  
24 Joe suffer with his own loss and grief. We will never know if  
25 they would have married or had a family, and Krystle will never

1 have that chance.

2 Krystle also had many good friends. She was the  
3 friend that was always there for you in good times and bad.  
4 She was always the first to offer help and the one that you  
5 could always count on. She treated her friends like an  
6 extended family. She was loyal, she was fun, kind, and she was  
7 the best kind of friend that anyone could have. She was also a  
8 hard worker and a dedicated worker. She always worked harder  
9 than anyone else. Her infectious smile brought out the best in  
00:28 10 all of us. You couldn't help but smile back.

11 Many of her good friends, including me, started out as  
12 people that she had worked with. She had the opportunity to  
13 finally be able to change to a job that would give her more  
14 time to spend with the people she loved, and just when she  
15 finally had this chance that she had been waiting for, she was  
16 senselessly murdered. The defendant and his brother took away  
17 my lovely friend Krystle just before her 30th birthday.

18 I could tell you so many stories about Krystle but you  
19 will never really know her. You will never understand the  
00:29 20 impact of her loss or why she was loved so much. You will  
21 never know why she is so desperately missed by all of us that  
22 loved her. My grief over her loss has been the hardest part of  
23 my recovery and my heart has been the last to heal.

24 Islamic terrorists came targeting innocent people in  
25 one of the greatest events in our city. They came to hurt,

1 destroy and kill people. Some of those people were from their  
2 very own community, people that had never hurt them in any way.  
3 Innocent people. They came and took away innocence that -- in  
4 our city that we will never get back. I am talking about the  
5 defendant and his brother. The defendant stood there watching  
6 children play and he still chose to leave his weapon of mass  
7 destruction behind those children when he walked away. He  
8 can't possibly have had a soul to do such a horrible thing.

9           During this trial a defense witness said that she saw  
00:30 10 remorse. Why didn't any of the victims that testified to the  
11 horrors that we experienced see that remorse? Why didn't any  
12 of us that sat in the courtroom through this long trial see any  
13 remorse? The defense blamed the dead brother for these  
14 terrible actions. What a cowardly defense. You ruined so many  
15 lives that day, but you also ruined your own. You will never  
16 see your family again. Your friends abandoned you and you will  
17 die alone in prison.

18           If you are truly remorseful, now's the time that you  
19 can say you're sorry and mean it. Now is the time to show your  
00:30 20 regret and remorse to all of us that are suffering. There are  
21 many misguided young men and women in this country that are  
22 working to join terrorist groups. In your remorsefulness you  
23 can tell them of your regret and you can discourage them. You  
24 can save someone else from the horror and these cowardly acts  
25 if you really have an ounce of genuine regret or remorse.

1 Thank you, your Honor.

2 THE COURT: Thank you.

3 MR. MELLIN: Your Honor, the Collier family.

4 MS. ROGERS: I'd like to thank your Honor for the  
5 opportunity to speak today, and also to the jury, the FBI and  
6 law enforcement and the U.S. Attorney for all their hard work  
7 and support.

8 There are not words that can accurately describe the  
9 heart-wrenching pain I have suffered due to the actions of the  
00:31 10 defendant. In the past two years I have lost my younger  
11 brother and friend. I have been dragged through an emotional  
12 tug of war between trying to mourn that, live a normal life,  
13 and the spectacle of a federal death penalty trial and the  
14 media circus that goes along with it.

15 We are a private family, six kids and two loving  
16 parents living in a small town. We grew up, we moved out and  
17 started becoming contributing adults, many of us working in the  
18 human services field to make a difference. When Sean died, I  
19 was working with adolescents on an inpatient mental health unit  
00:32 20 and bartending to make ends meet. I was behind the bar the  
21 night that I got the call from my dad at 12:08 a.m. that Sean  
22 was shot. Sean was dead.

23 I left work immediately, unsure how to get to the  
24 hospital, not realizing that I couldn't get a cab because the  
25 city was shut down as the men who savagely murdered my brother

1 were still out there attempting to ruin the lives of other  
2 families. When I was finally able to get to the hospital, I  
3 was told my family was in a room down the hall. I opened the  
4 door and saw them sobbing and wailing over Sean's dead body. I  
5 would never have gone into that room had I known I could never  
6 wash that memory from my mind ever.

7 I went to school for forensic science and knew  
8 immediately based on the distortion and the entry wounds to my  
9 brother's face, that he had been shot in the head, and more  
00:33 10 than once. I don't believe I was in that room for more than  
11 two minutes because I didn't want to keep looking at and  
12 examining the wounds. That's not how I wanted to remember him.  
13 This is (indicating.)

14 After leaving that room, we were told that there were  
15 more people, not family, waiting down the hall for us. I  
16 walked into a room of full-grown men sobbing. Most were police  
17 officers. I had never seen anything like that before and I  
18 don't know if I could ever explain the weight of heavy sadness  
19 in there, although now it's something I experience quite  
00:33 20 frequently. Shortly after that was our first media assault.  
21 They had sent someone to the hospital to try and speak to us  
22 about how we felt about Sean's murder. She was young looking  
23 and blended in quite well, but it was a first look at how our  
24 grief would be treated through this point as a salacious story.

25 The next few days were a blur. I went where I was

1 told, usually by escort, now learning not only was my brother a  
2 murdered cop, but he was murdered by the same terrorists who  
3 killed three other people, maimed and physically injured  
4 hundreds more and aimed to destroy the city I live in and love  
5 dearly.

6 During this time we were visited by friends and  
7 family, and the press was on the porch of the neighbor's house  
8 trying to get pictures of us crying as we welcomed the  
9 condolences of loved ones. In the past two years I've had to  
00:34 10 call the police because this has become a normal occurrence.

11 Over the past two years I've tried to find some sort  
12 of normalcy in my life to try and find my identity again, but  
13 my life isn't normal at all. I can't watch the news without  
14 fear of starting off my day hearing about Sean's death, or more  
15 frequently, seeing the defendant's face, sending me into  
16 complete breakdown or a panic attack. It's hard to forget for  
17 even a minute that the happy and loving family I once had is  
18 now ripped apart over pure hate that had nothing to do with us,  
19 pure hate that I had never before felt, considered or seen,  
00:34 20 never mind act out on anyone else.

21 My once private life has been infiltrated and invaded.  
22 The media have come to my apartment, know my phone number and  
23 my email, and they stalk us on the Facebook. Though not all  
24 press is like this and the ones who have been respectful know  
25 who they are. I'm approached in public, and sometimes I feel

1 like I have to look over my shoulder, or heaven forbid someone  
2 tell me they recognize me because it usually ends with a  
3 question about how I feel about the defendant. I've had to  
4 learn to cry and smile behind a stone face and oversized  
5 sunglasses to prevent it from being misinterpreted and tweeted.

6 I constantly worry about my physical appearance  
7 because I can never have a fat or bad hair day without the  
8 world seeing pictures of me at my worse. I live in fear and  
9 apprehension to meet people because everyone has an opinion or  
00:35 10 wants to know the gruesome details of Sean's death or even the  
11 defendant's life. I sit at restaurants in my city with friends  
12 and overhear conversations of strangers talking like they know  
13 him. There's nowhere to hide from that feeling as your stomach  
14 drops and your face gets hot and you decide whether or not to  
15 say something, punch something or just leave.

16 Being the unmarried siblings in the family was fun  
17 with Sean. We could exchange stories and laugh about it, and  
18 it was nice to have something in common just to ourselves. I  
19 rarely date anymore. Having to explain my life is too  
00:36 20 difficult for someone outside the circle. Finding someone who  
21 isn't around only to be part of a big publicized tragedy or has  
22 the ability to empathize and stick around for the stress and  
23 emotion of being a part of it feels almost impossible. And  
24 these days there's no one to share these dating disasters with  
25 at the kids' table at Thanksgiving.

1 I've always been an outgoing and happy person. While  
2 that hasn't completely changed, I find myself finding joy --  
3 less joy in activities or the energy to participate in them. I  
4 don't really know what makes me happy anymore. There are days  
5 where the process of merely getting through the day has become  
6 a goal, never mind any extras, and just putting on underwear I  
7 say is a success.

8 We have been beyond fortunate to have the support  
9 system of other survivors, friends, the Boston community, and  
00:37 10 especially law enforcement and the FBI who have kept us going  
11 with events and ceremonies and stories about how amazing Sean  
12 was, but I found myself exhausted from wanting to attend  
13 everything, to find a purpose or to get a laugh in order to not  
14 have to face the reality of what actually happened because if  
15 his friends are there, then he is obviously on his way.

16 There's an emptiness that I cannot manage to fill  
17 despite these thoughtful distractions. I have run full and  
18 half marathons, gone to concerts and sporting events,  
19 participated in corn hull tournaments and kickball games, gone  
00:37 20 to award ceremonies and met dignitaries, but I would trade it  
21 all in for the quiet of knowing my family and my life were  
22 whole again.

23 The defendant has not only taken Sean away from me,  
24 but he has taken me away from me in so many ways. I do not  
25 believe that I will ever totally recover from that or feel



1 whole again despite how resilient defense counsel claims that I  
2 am. The simple pleasures of life are noticeably missing  
3 sometimes or my emotions run the full spectrum of intensity at  
4 all times. When I'm angry, I am furious. When I am sad, it is  
5 a debilitating woe, and sometimes when I feel joy, I feel it so  
6 purely that I cry because it is so rare and so powerful now  
7 knowing the depths of my grief that I try to hold onto it, not  
8 knowing when I will feel that full again.

9           So now in my journey to reclaim my life, I realize I  
00:38 10 am starting over. I am accepting that I will never have a  
11 complete and happy family ever again and that I will never hear  
12 that gut-busting laugh or low snicker followed by, "You're a  
13 mess." I will never see that mischievous grin or beg him to  
14 ditch whatever girl he's seeing to come meet me for drinks. I  
15 will only hear stories of his greatness, his shenanigans and  
16 how many people loved him.

17           I will toast whiskey in his honor and cry with grown  
18 men. My family will grow closer and I will grow stronger as I  
19 pursue a life of continuing to help others and show  
00:38 20 unconditional love and not hate. Most importantly, I will  
21 revel in the moments of small joy like Sean would, moments that  
22 were taken from him with every hope and endless gratitude that  
23 I am able and the defendant, who gave them up for hate, cannot.

24           He will never feel truly sorry for what he's done,  
25 only sorry for himself, that he no longer has the things that

1 young people live for, the things that Sean loved most, like a  
2 little bit of chicken fried, a cold beer on a Friday night, a  
3 pair of jeans that fit just right and the radio up, seeing the  
4 sun rise, seeing the love in his woman's eyes, to feel the  
5 touch of a precious child and to know a mother's love.

6 Information regarding the defendant that I would like  
7 the Court to consider is that I do not know the defendant, nor  
8 do I care to know him. He is a coward and a liar. Defense  
9 counsel tried to portray him as a remorseful follower of his  
00:39 10 brother's hate-filled doings. He showed no remorse while his  
11 victims and their families stood in front of him disclosing  
12 their pain, injuries and experiences. He wouldn't even  
13 acknowledge them. He hid behind a dead man who could not  
14 defend himself and he took no responsibility for his actions.  
15 Every day he walked into this courtroom, head held high with a  
16 swagger in his step like he was entering a party with his  
17 entourage, his federal protectors.

18 When Nathan Harmon identified him as the only person  
19 leaning into the cruiser over my brother's dead body, rather  
00:40 20 than just make himself more visible [sic], he stood and pulled  
21 on his shirt like he was showing off his new designer clothes,  
22 he was daring him to identify the color, he turned his head to  
23 watch how a holster like Sean's would work since he had clearly  
24 failed before. There was a level of premeditation to this  
25 crime against my brother as he parked near by, snuck up behind

1 the cruiser and wore gloves to commit his murder.

2 He bought milk after setting off a bomb to kill  
3 children. I think that this was less to show how little he  
4 cared and more to try to set up a videotape alibi. He drove  
5 around getting snacks to prepare to kill more people as he  
6 robbed a terrified hostage, and heaven forbid he leave his  
7 terrorist death soundtrack while he did it.

8 He has not once shown that he cares about a single  
9 person but himself. He ran his own brother over with a car.

00:41 10 He was willing to do that, so it's no wonder he had no issue  
11 shooting mine in the head. If that did not show a complete  
12 disregard for life, then what does? He is a leach, abusing the  
13 privileges of American freedom, and he spit in the face of the  
14 American dream.

15 I ask the Court to take into consideration the  
16 defendant's actions and impose strict and consecutive sentences  
17 for these offense that do not carry the burden of the death  
18 penalty so that there is no way the defendant will ever be free  
19 to spread his hate again.

00:41 20 Thank you, your Honor.

21 MR. MELLIN: Your Honor, just for the record, that's  
22 Jennifer Rogers. The last name is R-O-G-E-R-S.

23 THE COURT: Thank you.

24 MS. PELLEGRINI: Bill and Denise Richard.

25 MR. RICHARD: Bill and Denise Richard, last name

1 R-I-C-H-A-R-D.

2 Your Honor, I thank you. Thank you, members of the  
3 jury.

4 We have no words to express what today means to us.  
5 There's nothing we can say that will change anything for any of  
6 us. His attorneys began this trial telling us and the world  
7 the truth of what we already knew, that he was guilty. He  
8 could have stopped his brother. He could have changed his mind  
9 the morning of April 15, 2013, walked away with a minimal sense  
00:42 10 of humanity and reported to authorities that his brother  
11 intended to hurt others.

12 He chose to do nothing, to prevent all of this from  
13 happening, and he chose to accompany his brother and  
14 participate in this hate. He chose hate. He chose  
15 destruction. He chose death. This is all on him.

16 We choose love. We choose kindness. We choose peace.  
17 This is our response to hate. That is what makes us different  
18 than him.

19 We had preferred he have a lifetime to reconcile with  
00:43 20 himself what he did that day, but he will have less than that.  
21 Until the day he comes to understand what he has done, there is  
22 no reconciliation for him. Until the day he asks for  
23 reconciliation, this all hangs on him. And on the day he meets  
24 his maker, may he understand what he has done and may justice  
25 and peace be found.

1 THE COURT: Thank you.

2 MR. MELLIN: Richard Donohue.

3 MR. DONOHUE: Your Honor, Transit Police Sergeant  
4 Richard Donohue. Last name is spelled D-O-N-O-H-U-E.

5 My life was changed forever due to the defendant's  
6 actions on April 18, 2013, and the early morning of April 19,  
7 2013. On the night of the 18th, Mr. Tsarnaev and his brother  
8 murdered MIT Police Officer Sean Collier. He was my police  
9 academy classmate, and more importantly, a good friend.

00:44 10 There are many words I could use to describe Sean's  
11 character, but I mainly remember him as a selfless individual.  
12 Every time I got together with Sean, his light-hearted spirit  
13 would boost the mood of everyone around him every single time.  
14 He was truly a special person and the loss of him that night is  
15 something I'll never forget.

16 The defendant's actions in Watertown on April 19,  
17 2013, caused me lasting injuries. His attempts to inflict more  
18 terror and kill police officers brought me there. I should  
19 have died early that morning from the injuries I sustained, but  
00:45 20 instead was miraculously kept alive through prolonged  
21 resuscitation and hours of surgery. I was literally within  
22 seconds of leaving this world and leaving my six-month-old son  
23 to grow up without a father, a life to live without a husband  
24 and a family without a son, without a brother.

25 Since that morning in Watertown, I've been left with

1 immense, irreversible physical pain, pain that I feel every  
2 minute of every day. I endure burning and weakness in my left  
3 leg and left foot, a limp, and no fewer than six scars, some  
4 ranging up to six inches in length.

5 I spent two months in hospitals recovering from my  
6 injuries. That time included days without being able to eat or  
7 drink and nights where I was unable to sleep. The most  
8 gut-wrenching time was when I had to watch my friend Sean's  
9 funeral on TV from my hospital bed. It's truly hard to put  
00:46 10 into words how difficult those months were, and then I  
11 continued to undergo extensive physical therapy for  
12 approximately 18 months after my hospital stays.

13 My ability to work as a police officer has also been  
14 severely affected. My injuries impede me from engaging in  
15 recreational activities I formerly enjoyed and excelled at,  
16 such as running and swimming. And one of the most difficult  
17 parts of my recovery has been my inability to care for my young  
18 son. Due my physical condition I've not been able to care for  
19 him in the full capacity had I not been injured, and lengthy  
00:46 20 hospital stays have forced me to miss months away from him, a  
21 significant portion in a two-year-old child's life, and every  
22 day continues to be a challenge.

23 My injuries and my situation have not only affected me  
24 but my family, friends and fellow police officers. For 72  
25 hours my family was at the hospital and had to deal with the

1 unknown, whether I would live or whether I would die. And even  
2 after I came out of surgery, they had to worry whether I would  
3 wake up and never be able to move again. They were forced to  
4 take substantial time off work and rearrange their entire lives  
5 so they could act as caretakers for me.

6 They drove me to countless appointments and helped  
7 with even the most mundane tasks which I could no longer do for  
8 myself. I took those for granted as a healthy individual. My  
9 friends and fellow police officers also made changes to their  
00:47 10 lives. They sacrificed their own personal time to stay by my  
11 side.

12 But let me be clear on one thing: The defendant did  
13 not succeed in all his actions. Even though I have struggled,  
14 am in pain, even though I have had some of the worst days of my  
15 life, I'm still standing here. Lastly, this country and this  
16 Commonwealth accepted the defendant and his family with open  
17 arms as we have to millions of other immigrants since the  
18 founding of this country. Mr. Tsarnaev threw away the chance  
19 to makes a contribution to society and instead carried out  
00:48 20 cowardly heinous terrorist attacks. His attacks and actions  
21 are no less than treason against the United States of America  
22 and should be considered as such.

23 Thank you, your Honor.

24 MS. PELLEGRINI: Michael Chase.

25 MR. CHASE: My name is Michael Chase. Last name is

1 C-H-A-S-E. Good morning, your Honor.

2 My life was also changed forever on that afternoon on  
3 Boylston Street on April 15th of 2013. Patriots' Day had been  
4 a celebrated day in my family for many years. My wife and I  
5 had taken that annual trip down Boylston Street to watch at the  
6 finish line and cheer on everything that the Boston Marathon  
7 represents to so many of us that sit here before you today.

8 On that Monday we watched from the patio of Atlantic  
9 Fish Company with -- there were nine of us total, friends and  
00:49 10 family. I stood on the planter that separated the Forum  
11 restaurant from the Atlantic Fish. We celebrated like we have  
12 so many times on a beautiful sunny day with some laughter and a  
13 couple of cold beers. I was absolutely -- actually on the  
14 phone with my brother at the time, trying to give him  
15 directions to Atlantic Fish. He was coming to enjoy the Bruins  
16 playoff game that night, and him and his wife were on their way  
17 down to meet us on Boylston.

18 When I heard the first explosion to my left and I took  
19 a peek just like everybody else and saw that mushroom cloud  
00:49 20 fill the sky, and I knew the concussion that I felt wasn't  
21 something that was planned and it wasn't part of the  
22 festivities, but we weren't quite sure what was going on just  
23 yet. At that moment -- you know, in these days you can see a  
24 videotape of the defendant making his way in the opposite  
25 direction. He clearly knew what was going on.



1           Seconds later, as I continued to speak with my  
2 brother, the explosion took place on my left about 10, 15 feet  
3 away. I think you can imagine the highest pitched ring and  
4 complete silence all at the same time. Smoke, fire and screams  
5 filled the air. And I covered my wife, we took cover  
6 underneath the high-top table that we were standing next to,  
7 and I ushered her and one of our good friends into the little  
8 alcove between the Forum restaurant and Atlantic Fish.

9           As the smoke started to clear I could see that my  
00:50 10 sister-in-law had made her way into the restaurant and started  
11 banging on the glass window and told us to come inside. I  
12 ushered my wife and Lauren and we stayed close, concerned about  
13 a third or fourth explosion, and we made our way to the  
14 restaurant. But before I left the patio, I could see over my  
15 left-hand side at all the horror and the tragedy that took  
16 place that day, and the only thing I knew I needed to do was  
17 help. Boylston Street had turned into Bagdad. I felt like I  
18 was in a Third World country. My brother was still on the  
19 phone and I tucked it into my back pocket because I knew I  
00:51 20 needed to help.

21           People started to scatter, and I dropped my wife and  
22 Lauren at the front door and I saw a disheveled man coming down  
23 the street with his clothes torn from the explosion, and I  
24 helped him get to the front of the restaurant, and that's when  
25 I noticed a young girl laying in the middle of the street.

1 I made my way into Boylston and I found Matt Patterson  
2 who testified in front of this Court, who is a true hero, a  
3 veteran of our military. He was providing care to young Jane  
4 Richard. And he is a true hero. And he had a calming effect  
5 on me and everybody at the scene. I removed my belt to help  
6 control the bleeding of this poor young girl who was tragically  
7 and critically wounded. I could see her father and his eldest  
8 son at my rear.

9 We made the determination at that point that Matt and  
00:52 10 I needed to move her to emergency personnel who were  
11 approaching down Boylston Street. So Matt scooped her up and I  
12 held onto the tourniquet and we moved down the street as fast  
13 as we could to help Jane with her family in tow. And I spoke  
14 to Bill that day and I explained to him that I would swap out  
15 with him as soon as we got to the ambulance so that he could be  
16 with Jane before she was taken away. And I sat with Henry on  
17 the street corner, on the curb, and tried to quell his fears  
18 and let him know that his sister was on her way to some of the  
19 best hospitals in the world and that she was going to be okay.  
00:52 20 And at that time we weren't sure of her fate.

21 We were reunited with Bill, and he kept pointing  
22 toward the blast. And it was very difficult for anybody to  
23 hear or communicate, so I made my way back to the epicenter of  
24 the second scene, and that's where I sat with Martin and a few  
25 other people. And we all know his fate, unfortunately, from

1 that day.

2 I helped move barricades and passed backboards and  
3 helped the professionals that were there trying to help out as  
4 they arrived on the scene, and I lasted at the scene probably  
5 25 to 30 minutes before I was reunited with my family and close  
6 friends around the corner in front of DeLuca's Market.

7 I was transported to Salem Hospital where I realized I  
8 had a ruptured eardrum and my hearing was going to impacted,  
9 like so many people. I had a concussion, but my physical  
00:53 10 symptoms are so much better than so many other people on that  
11 day. I stood next to that planter and that's the only reason  
12 why I'm standing upright right now. It saved my life. I've  
13 been on Coumadin for ten years. It's a blood thinner. If I  
14 was at the Forum that day, there's no chance I would be here  
15 right now. There's no way they would have been able to control  
16 the bleeding. I'm very fortunate.

17 The defendant's decision to place that bomb on the  
18 curb that day had a tremendous impact on my life the last  
19 several years and continues to impact me today. I work as a  
00:53 20 student support coordinator at an alternative high school. We  
21 service about 120 kids from Boston all the way up to the North  
22 Shore with social and emotional and physical disabilities and  
23 behavioral issues. My job includes providing safety for these  
24 children. If there's a problem, they come see me. My job is  
25 to get them back in their classroom, if we can, or provide them

1 a space away from the group to work and just be thoughtful and  
2 careful and empathetic all of those things that we do on a  
3 day-to-day basis. And these young kids come into my office,  
4 and sometimes this requires a physical intervention.

5 I wasn't prepared for the first flashback or panic  
6 attack I had at work with a young girl who was screaming and  
7 yelling and required a hands-on situation. I wasn't ready for  
8 that. I wasn't ready for the first day I walked into school,  
9 and we carry Walkie-Talkies in the form of communication, and I  
00:54 10 could hear the chirping in the walkies, and the first time I  
11 heard a siren go by.

12 I'm looked at as a leader at my job. It's my job and  
13 my role as a professional. And sometimes because of the acts  
14 of this man, my role has been jeopardized and I've had to take  
15 a step back or leave a situation or take a walk and do the  
16 things that I've worked on since that time to make sure that  
17 I'm mentally capable to finish off my day and do what I need to  
18 do to be a professional.

19 The acts have impacted my relationship with my wife  
00:55 20 who was with me that day and stood next to me. She's here  
21 today. There would be guilt that I felt for not staying with  
22 her. During a terrorist attack, I left my wife to fend for  
23 herself. We struggled to enjoy some of those things that we've  
24 always enjoyed and found joy in. And we kind of coexisted for  
25 a quite a long time in a depressive state in trying to figure

1 those things out. We've done the work we had to do and  
2 continue to work every day on our relationship.

3 I'll never forget the first time I walked in -- I have  
4 a six-year-old daughter -- the time she was four and I carried  
5 her from the truck. She had fallen asleep after a night out.  
6 And it was one of my fondest childhood memories, of falling  
7 asleep and your parents transporting you inside and throwing  
8 you in bed. And the first time I had picked up a young girl  
9 since that moment. It was a very, very difficult moment for me  
00:56 10 and I began sweating and crying and shaking.

11 My physical health: Also, as I mentioned, my eardrum.  
12 I was only postop two months from an ACL reconstruction. I was  
13 in a knee brace that day and there was definitely a physical  
14 setback due to my running and jumping and the things that took  
15 place that day. My depression led to missed appointments and  
16 definitely negatively impacted my rehab.

17 My mental health, like so many other people, has been  
18 impacted. I never experienced anxiety, even though I speak to  
19 children about it every single day, until now. Sleepless  
00:56 20 nights. And that impacts, as we know, every aspect of your  
21 life. At times two to three days: Sleepless. Three or four  
22 hours, sometimes 12 in a week. But I worked hard with  
23 professionals, like so many people here have. So many people  
24 reached out, caring, kind people with compassion.  
25 Professionals who helped me develop skills to work on those

1 things that are associated with sleep deprivation and anxiety  
2 and depression. Like I said, I've worked so hard to support my  
3 wife in all of her struggles and improve our relationship and  
4 to build on what our family is. I'm never going to get rid of  
5 the images that I saw on that street on Boylston, but I've been  
6 back there many, many, many times since then.

7 I continue to work hard and prepare myself for those  
8 moments that I can't predict: How to respond when a door slams  
9 shut in the wind; how my daughter sneaks up to scare me from  
00:57 10 behind just to be a silly little kid; what if a student asks me  
11 about my experience on 4/15; or like two weeks ago when  
12 fireworks went off in the neighborhood that you had no idea  
13 would go off. This work has taken years, but it's allowed me  
14 to take back control of my life. And this hard work is going  
15 to have to continue for years to come.

16 On April 16th, that following day, in 2013, I tried to  
17 put some of my thoughts in words on paper in a sense to cope  
18 with what happened that day. Acts of terror designed to scare  
19 us into changing our daily plans. They want us to rethink our  
00:58 20 travel plans and second-guess decisions made once without  
21 hesitation and ruin our spirit. We will not waiver because we  
22 are strong. I stand in front of you with all those people  
23 behind me and waves of survivors in the overflow courtrooms to  
24 let you know that this community is strong. I've never felt  
25 anything like this. And emails and text messages and phone

1 calls from complete strangers and meeting all these people here  
2 over the last months and years that stand beside you every  
3 single day and let you know that we're going to be okay in this  
4 community and this country has stood beside us, and that's what  
5 this is all about.

6 I didn't know what I was going to do for the first  
7 time of seeing this defendant, and to be honest with you, I  
8 don't want to speak to him. I'm here to say that we are okay,  
9 we're going to move forward and that we are strong.

00:59 10 Thank you very much, your Honor, and members of this  
11 Court.

12 MR. MELLIN: Joseph Craven.

13 MR. CRAVEN: Good morning, Judge. Thank you for  
14 giving me the opportunity to speak today. The name is J.P.  
15 Craven, C-R-A-V-E-N.

16 I've grown up in Boston nearly my whole life. It's  
17 the only city I've ever truly known well, and the marathon has  
18 come to be one of my favorite days of the year. Just over two  
19 years ago, I was standing ten feet away from the first bomb  
00:59 20 site on Boylston Street. I sustained the bulk of my injuries  
21 to my head, with minor injuries to my extremities. I was  
22 knocked unconscious, taking ball-bearings to the temple, nose,  
23 and two to the calf.

24 For over a year I attended regular doctors'  
25 appointments, hearing tests, multiple surgical procedures and

1 numerous follow-ups. I've been given more support than I could  
2 have ever understood possible from nearly every corner of my  
3 now 27 years on earth. However, the majority of my thoughts  
4 now revolve around the impact of this entire event moving  
5 forward.

6 While I do not know the defendant personally, I do  
7 hope that he feels remorse for his actions just a couple of  
8 years ago. There are plenty who still suffer both emotionally  
9 and physically. Our world today is full of so many  
01:00 10 misunderstandings and disagreements, from smaller scale things  
11 that lead to arguments at school or in a store to much larger  
12 events that force countries into war and pit entire groups of  
13 people against each other. Events like the bombings make it so  
14 much easier for these rifts to grow larger and for our  
15 differences to divide us even more.

16 It is so much harder to recognize that these  
17 unfortunate situations also provide us with a great opportunity  
18 to bring us as people closer together. Evil acts make it  
19 easier for more evil to fester; however, the good that can come  
01:01 20 from that same evil has the potential to affect people far  
21 beyond what hatred ever could. If we as a community allow  
22 these proceedings and this decision to just dissipate into the  
23 background without so much as a whimper, we forgo the  
24 opportunity to enact any type of real change. Whether in an  
25 individual's life or in the way we interact with those who



1 think differently than we do, we sometimes forget that people  
2 who may follow different ideals or have different cultural  
3 norms oftentimes long for very similar outcomes.

4 As I mentioned earlier, I hope the defendant's  
5 personal clarity has come into better focus and that he feels  
6 deep regret for what transpired two years ago. I don't wish  
7 this primarily for my own or any other individual's personal  
8 gratification and understanding, but rather for the fact that  
9 it brings hope to the possibility of using this new  
01:01 10 understanding to make a positive impact on the world. As  
11 ironic as it may seem, Jahar now possesses the unique ability  
12 to be a force of change in the lives of those who most of us  
13 wouldn't be able to reach.

14 Everyone connected to this event, every person in this  
15 courtroom, the city of Boston, our great country and people  
16 throughout the world have the ability to contribute. It may  
17 not be clear how to achieve this right away, it may even seem  
18 daunting just to think about how; however, the impact,  
19 regardless how small in a world full of violence, will be just  
01:02 20 as tangible as the people who initiate it.

21 I've tried my best to relate in any minor way to Jahar  
22 throughout the last number of months in preparation for the  
23 trial, though I must admit that it is hard at times. Though  
24 I've noticed over the last two years that we as Americans in a  
25 global community are no closer to confronting the issues of

1 death and destruction that plague so many corners of the world,  
2 sometimes even in our backyard; however, the verdict does not  
3 suppress every one of our abilities to bridge gaps of  
4 misperception and show that the vast majority of people have  
5 similar goals of peace and understanding.

6 As much pain and suffering that began on April 15,  
7 2013, I wholeheartedly believe in the benevolence and goodwill  
8 of people having supreme power over hatred, violence and evil.  
9 I would ask for you, Jahar, and everyone else in this courtroom  
01:03 10 and beyond to believe that as well. These unfortunate events  
11 have ultimately inspired me to challenge what has become  
12 societal normal at its core.

13 I understand you have no discretion, Judge, with  
14 regards to a number of these counts. It is my hope that the  
15 decisions you do have today can help to point us in the right  
16 direction and inspire us -- inspire all of us to be the  
17 catalyst for change our world so desperately needs.

18 MS. PELLEGRINI: Stephanie Benz.

19 MS. BENZ: Good morning, your Honor. My name is  
01:04 20 Stephanie Benz, B-E-N-Z. And thank you very much for the  
21 opportunity to speak this morning.

22 I was on the patio of the Forum at the site of the  
23 second blast. I remember the chilly air as we walked and  
24 talked on our way to the restaurant. We empathically commented  
25 on our excitement for spring, the flowers that were planted

1 along the way, and the little things we love about our city,  
2 like the ducklings in the Boston Common.

3 The Forum was a favorite spot of one of the friends I  
4 was with that day. A charity was hosting a viewing party of  
5 the marathon, and we guests, among many others, supporting  
6 their team of runners who had raised thousands of dollars for  
7 cancer research. I tracked my friends who were running the  
8 race, and as they approached our location, I got especially  
9 ready with cowbells in hand and a smile from ear to ear. I had  
01:04 10 never watched the Boston Marathon that close to the finish  
11 line. The crowd's enthusiasm was extra infectious as the  
12 runners were that much closer to an incredible achievement.  
13 Sadly and thankfully, I didn't see my friends running that day.  
14 When the bomb went off at our site, it changed their pace,  
15 their goals, and all of our lives.

16 As I peered down the street and watched the smoke  
17 engulf the sidewalk in the distance, I thought the first  
18 explosion was a faulty fireworks display or a transformer  
19 malfunctioning, and then something happened to me and in an  
01:05 20 instant the scenario was far worse. With one shoe hanging and  
21 the other missing, I tried to step, but instead, kicked that  
22 dangling shoe off my foot. I saw my purse covered in blood.  
23 It was smokey and I couldn't hear. When I recount the story, I  
24 say I hurried inside. Maybe due to shock I was in a hurried  
25 state, but later learning the extent of my injuries, I rival

1 at the fact that I was fast moving at all.

2 I could see one of my friends inside the restaurant  
3 and I moved towards him. I tried to speak but I was unsure if  
4 he could hear me. I could barely hear him. The sirens raged,  
5 people were screaming and running in all directions. Was this  
6 an attack? Were people coming on foot to get us? Should we be  
7 hiding. Thoughts of actual combat entered my mind. We were  
8 unarmed.

9 Super civilians, as I like to call them, helped my  
01:06 10 friend lift me onto a granite table. I did all I could to stay  
11 calm, but I didn't feel safe. With my injuries wrapped in bar  
12 towels, I was moved to the street to be more visible to the  
13 first responders. My friend told me not to look at my leg  
14 anymore. "Just look at me," he said. "Don't look around." He  
15 reassured me we would be okay. That friend became the bravest  
16 person I know that day.

17 I waited to get in an ambulance until they all but  
18 cleared the scene. Too many others, as many have addressed,  
19 needed those gurneys. Most people in my life didn't know I was  
01:06 20 at the marathon that day. We didn't have cell service until we  
21 made it to Storrow Drive, and family and friends who had been  
22 in the dark about my whereabouts were relieved to get a call  
23 from my friend and to learn my state, but obviously traumatized  
24 by the reality of what was.

25 Once at the hospital, it was like a movie set come to

1 life. It was incredible how many people were helping, but at  
2 the same time, I simply couldn't believe how many people needed  
3 help. After several interviews with police detectives and FBI  
4 agents, confirmation that this act was a potential crime, and  
5 countless nurses, aides and doctors had treated me, essentially  
6 anyone who could help, helped, they released me. My X-rays  
7 showed no broken bones, we managed to extract most of the  
8 shrapnel off the surface of my forehead, face, arms and legs,  
9 and I agreed to be discharged.

01:07 10 I didn't watch TV for the first day or two following  
11 the bombing. I was in so much pain and it was difficult to  
12 relax or rest. When FBI agents asked to interview me at home,  
13 I agreed. All I wanted to do was help. I struggled to  
14 remember that chunk of time between the bomb and finding my way  
15 into the restaurant that day. I was still having trouble  
16 hearing. I truly felt helpless in aiding their efforts to  
17 identify the wrongdoers.

18 My first followup with my physician would prove  
19 frustrating. Essentially, I was told to focus on being  
01:08 20 fortunate, and regarding my pain, I should suck it up. After  
21 months of crutches, misdiagnoses, wheelchairs, headaches,  
22 stiffness, ringing in my ears and countless doctors'  
23 appointments, second, third and fourth opinions, x-rays, blood,  
24 testing, re-testing it was determined the left side of my body  
25 had, in fact, for lack of better terminology, been frozen. My

1 thigh all the way to the toes of my leg was purple. My leg had  
2 started to atrophy.

3 With concern for further injury and a true uncertainty  
4 for what was causing the pain, doctors had suggested I stay off  
5 the leg on at least two different occasions for weeks at a  
6 time. As a result, my leg was starting to deteriorate. Almost  
7 ten months to the day after the bombing, I would have surgery  
8 on my left ankle in the hopes of finding the shrapnel and  
9 repairing the internal damage. Inevitably, the foreign objects  
01:08 10 that had passed through my leg had left a crazy path of  
11 extensive scar tissue. There is no guarantee the surgery will  
12 fix what was done. If the pain I have today and every day is  
13 any indication, it hasn't yet.

14 Physical therapy, home remedies, exercise, hard work,  
15 patience and a positive outlook have been my course of action  
16 thus far. My neck and shoulder are pulled because of the  
17 ineptness of my left side. My hip and knee constantly  
18 compensate for my IT band, my hamstring and my ankle. My right  
19 side does a lot of work for my body. It's been difficult to  
01:09 20 build any muscle back on the left leg.

21 I've missed out on special moments of my nieces,  
22 nephews and Godchildren. Friendships have changed dramatically  
23 because people don't know how to be friends with a bombing  
24 victim, and who can blame them. My lifelong love for dance is  
25 forever apparent but to execute it is painful. I cannot fully

1 flex my left leg, and I often wake up during the night in pain.

2 The treatment that has been a catalyst for releasing  
3 some of my body's physical turmoil isn't recognized as medical  
4 by the state, so I pay thousands of dollars out-of-pocket to  
5 continue this healing process. I jump at loud noises. I  
6 struggle to separate sounds in a telephone conversation or in a  
7 crowded room. I try to do the things I love to do but  
8 sometimes find fear creeping into scenarios and places that  
9 were once mine free to enjoy free of anxiety.

01:10 10 I stick with the idea and hope that I will get full  
11 mobility back in my left foot and ankle; that I will be able to  
12 dance or walk down stairs without a consciousness of where I'm  
13 placing my foot and sleep without pain that has since become  
14 the norm.

15 Thank you very much.

16 MR. MELLIN: Henry Borgard.

17 MR. BORGARD: Hello. My name is Henry Borgard, last  
18 name is spelled B-O-R-G-A-R-D. And this lovely service dog  
19 next to me is my Girl Friday.

01:10 20 Your Honor, I'd just like to start by thanking you for  
21 the opportunity to address the Court. I really appreciate it.  
22 I've had a really difficult time deciding what to say. The  
23 past two years have been hell and nothing can adequately  
24 describe how I feel, so I've had problems with finding words  
25 because no words really could ever do justice to the atrocities

1 that the Tsarnaev brothers committed. But I want my voice to  
2 be heard today because there are five [sic] people whose voices  
3 are permanently silenced as a result of their actions, so I am  
4 grateful for the opportunity.

5 The story of the marathon has been told over and over  
6 and over again, and I don't want to hammer out details that  
7 have been repeated. I don't want to continue with that  
8 tragedy, but I will tell you what makes my story unique. I was  
9 a 21-year-old student at Suffolk University. I was not at the  
01:11 10 marathon to spectate; I was walking home from work back to my  
11 dorm on Beacon Hill. And when the first explosion went off, I  
12 thought it was a canon. I thought somebody might have crossed  
13 the finish line who was famous. I really didn't know anything  
14 about the marathon.

15 And I remember thinking about my hometown in Downers  
16 Grove, Illinois, and the Fourth of July parade that we have  
17 every year and the 21-gun salute that was my favorite part of  
18 the parade. And that's what it sounded like to me, so I wasn't  
19 alarmed at first. And then I remember processing the screams  
01:12 20 of the people down by the finish line, and how they multiplied  
21 and amplified. And then I knew something was really wrong.  
22 And I watched as the marathon reversed and the runners stopped  
23 running and the spectators started running towards me away from  
24 the finish line. And the last thing I remember before the  
25 second explosion went off was turning and looking and seeing a



1 little boy, and I later found out that boy was Martin Richard.  
2 So that was the last thing I saw before the second explosion.

3 And I remember the night of the marathon, going back  
4 to my dorm and trying to sleep, and laying in bed and just  
5 shaking because I was afraid that something like that would  
6 happen again. I was afraid that the day wasn't over. And I  
7 still wake up screaming sometimes from nightmares. They  
8 continue to plague me on a regular basis. And what I keep  
9 playing over and over in my head is the fact that I called my  
01:13 10 mother. The bombs went off at 2:49 p.m. I called my mom at  
11 2:52, and the only thing that she heard were my screams and the  
12 sirens of the emergency vehicles as they rushed to Boylston  
13 Street and the word "bomb," and then the line went dead. And  
14 every time I call my mom now she asks if I'm okay before she  
15 says hello. And that's really, really hard for her. She said  
16 that the 15 minutes between my initial phone call and when I  
17 was finally able to get ahold of her again were the worst  
18 moments of her life. And she was in Illinois. She wasn't even  
19 there.

01:14 20 I called my mom because I was genuinely afraid that I  
21 was going to die and I needed her to know that I loved her.  
22 And I wasn't sure if she knew. And that was -- I couldn't get  
23 it out when I was on the phone with her initially, and that's  
24 something that I feel guilty about to this day. And, you know,  
25 guilt is something that I deal with on a regular basis. I feel

1 guilty about calling my mom, I feel guilty about the fact that  
2 I wasn't severely injured and other people were, I feel guilty  
3 about the fact that I'm breathing, that I'm here. And that's  
4 not something that anyone should have to deal with.

5 I deal with panic attacks and flashbacks and  
6 disassociation episodes. I'm hypervigilant constantly. Being  
7 in court here with my back to people makes me really nervous.  
8 Backpacks, sirens, flashing lights, crowds, media vans, the  
9 news, children, screams, blood, crowds, all of these things I  
01:15 10 can't -- I can't be around them. Loud noises, fireworks. That  
11 Fourth of July parade I loved so much? I can't go anymore.

12 I had to drop out of school after I was diagnosed with  
13 posttraumatic stress disorder, combat specific, and later with  
14 postconcussive syndrome, which is a mild traumatic brain  
15 injury. I had to teach myself how to read again, and it took  
16 me almost a year, and I'm an English major.

17 The road to recovery is difficult, it's unpaved, it's  
18 unkept, and most of the time I'm alone. But that's something  
19 that I'm really grateful for because the majority of the people  
01:16 20 that I encounter, they don't speak the language of victims, and  
21 I'm glad that they don't because that means that they don't  
22 know the hell that I've been through and they don't know the  
23 hell the people behind me have been through.

24 I know how fear feels. I know how it feels when it  
25 courses through your veins and your blood gets cold. I know

1     how it feels when every piece of good that you have inside of  
2     you gets extinguished by fear.

3             I have a million questions. I want to know why. And  
4     I was really angry for a really long time and really resentful.  
5     But honestly, today, you know, I deal with a lot of stuff, but  
6     the biggest thing is that I'm grateful for my life today  
7     because I might not have had it. And I'm grateful for the  
8     people who carried me when I wanted to give up. And I'm  
9     grateful for the fact that I never stopped fighting and I'm  
01:17 10     grateful for the fact that in two days I'm going to be turning  
11     24 and I'm going to be celebrating that birthday with my family  
12     and I'm going to get to give my mom a hug. And I'm grateful  
13     for the fact that I'm going back to school for the first time  
14     in two years in the fall and that I'm majoring in English  
15     again. I'm grateful for the fact that Boston has taught me how  
16     to be resilient even though I'm all the way out in Chicago.  
17     The Windy City says hello. I think what I'm most grateful for  
18     is the fact that I found a way to forgive the defendant despite  
19     everything that he did to me.

01:18 20             When I hug my mom, I hug her extra tight because I  
21     know it might be the last time that I see her. When I say that  
22     "I love you," I mean it because I know how quickly a life can  
23     be extinguished. I've learned how to accept help graciously  
24     and extend my hand effortlessly, and that's a blessing because  
25     I want to spread good in this world. And I'm going to continue

1 to do that.

2 The biggest impact that the Boston Marathon bombing  
3 has had on my life is the overwhelming kindness and generosity  
4 that everyone has showed me: My friends, my family and just  
5 random strangers. A few nights after the marathon, I went back  
6 to Boylston Street and I was just standing on the edge of the  
7 barricades when it was still blocked off. And I was crying,  
8 and this kid I didn't know from BU -- he had a BU sweatshirt  
9 on -- came up to me and just gave me a hug and was, like,  
01:19 10 "Everything's going to be okay." And that is the kind of stuff  
11 that I want to remember from this, just random acts of kindness  
12 from strangers who don't even know me. That's awesome.

13 My dog Friday is apparently bothering you. I  
14 apologize. She was donated to me. Her training cost \$50,000  
15 and she was donated to me by people that I had never met.

16 I want to say that I truly believe that love is and  
17 always will be louder and that I truly am grateful for this  
18 experience, and had I been given the option to take another  
19 route home that day, I wouldn't. I really wouldn't.

01:20 20 Your Honor, thank you again for allowing us to speak.  
21 I really appreciate it. And thank you very much for your  
22 service.

23 MS. PELLEGRINI: Elizabeth Bourgault.

24 MS. BOURGAULT: Your Honor, I am Elizabeth Bourgault,  
25 B-O-U-R-G-A-U-L-T. Being a runner, the Boston Marathon has

1 long been an event that I enjoyed attending. April 15th was no  
2 different. My husband and I chose to stay and watch the  
3 marathon at the finish line instead of moving along the course  
4 because the weather was so nice, the crowds were having fun,  
5 and I was watching for one particular runner to cross the  
6 finish line. Then the bombs exploded.

7 Most everyone knows by now the physical, emotional and  
8 financial toll the victims have endured. Many have shared  
9 their stories publicly these past two years. We all have our  
01:21 10 stories to tell, the moments to relive and the trauma to deal  
11 with. What I have endured is no different. The dramatic  
12 impact on my life, the physical and emotional pain I still  
13 suffer, and the sense of loss for the life that I enjoyed prior  
14 to walking out my door on April 15th.

15 I know my impact statement is supposed to describe the  
16 harm I have endured these past two years, but I would rather  
17 reflect upon the non-harmful aspects of having had the  
18 misfortune of being injured. Besides, the defendant does not  
19 care about the negative impact his actions have had on my life  
01:22 20 because that was his reason for getting out of bed that morning  
21 in the first place. The defendant was determined to destroy as  
22 many lives as he could without any regard for impact.

23 Since being injured on April 15th, I have had the  
24 opportunity to know just how much my family and friends love  
25 me. When I wasn't able to care for myself, they cared for me.

1 When I couldn't function emotionally and I was a puddle, they  
2 were all my rock. When my life was out of control, they were  
3 there to rein things in and remind me that I will come through  
4 the other side and be okay, which I did and which I am.

5 At the time I was injured, I was working in the legal  
6 field, a career I enjoyed for almost 37 years. Until I  
7 realized after spending a long time recovering and rebuilding  
8 my life, that I could no longer be surrounded by people who  
9 were bent on destroying their lives or the lives of others, I  
01:23 10 changed careers recently, and am now very happily employed as a  
11 caregiver, assisting people who are working hard to regain and  
12 rebuild their lives.

13 The defendant chose to commit a crime for which the  
14 English language has no words to describe how horrible it is.  
15 The defendant is a coward in the strongest sense of the word.  
16 The defendant will now die for what he did. I firmly believe  
17 that whatever god the defendant believes in is not a god that  
18 will welcome the defendant upon his death for the crimes he  
19 committed. Instead, I believe the defendant's god will condemn  
01:24 20 him to an eternity of suffering equal to, if not more than what  
21 he intentionally caused others.

22 When the defendant is sitting alone in his very small  
23 jail cell day after day waiting to die, I hope he never forgets  
24 and will be forever haunted by the fact that not only did he  
25 fail to destroy the human spirit on that Marathon Monday, but

1 that I am surrounded by the love of my family and friends,  
2 something the defendant will never, ever again experience.

3 Thank you, your Honor.

4 MR. MELLIN: Carol Downing.

5 MS. DOWNING: Good morning, your Honor, members of the  
6 jury. My name is Carol Downing, D-O-W-N-I-N-G. I am the  
7 mother of Nicole Gross and Erica Brannock, who were severely  
8 injured at the Boston Marathon. I would like to share how the  
9 marathon bombing has impacted my life.

01:25 10 Although I was not physically injured on Boylston  
11 Street, I was injured emotionally by the terrible event of that  
12 day. I was running the marathon that day and learned about the  
13 bombing when I was stopped a quarter mile from the finish line.  
14 Erica, Nicole, and my son-in-law Michael were waiting for me at  
15 the finish line and tried to -- I tried to text them but got no  
16 answer. A little while later, I got a text from Michael. He  
17 said, "Are you okay?" I said, "Yes, are you?" He said, "We  
18 were in the bombing and I can't find Nicole and Erica." That  
19 is when my life changed forever. Pure panic overcame me and I  
01:26 20 was absolutely frozen in fear.

21 If not for this stranger that was next to me, I don't  
22 know if I would have been able to maneuver through a strange  
23 city, cold and exhausted, almost completing the 26.2 mile run.  
24 Michael eventually texted me that he had learned Nicole was on  
25 her way to Brigham and Women's Hospital; that he still didn't

1 know where Erica was.

2 With the help of other strangers, I was able to get to  
3 Brigham and Women's Hospital, a few hours later to learn that  
4 Nicole was in surgery. Michael had suffered burns to his head  
5 and severe -- some shrapnel injuries. But Erica was still  
6 missing. It wasn't until 9 p.m. that evening that FBI agents  
7 found me in the waiting room at Brigham and Women's and told me  
8 that Erica was at Beth Israel. They walked me over there and  
9 took me to the ICU where I was met by a doctor and nurse who  
01:27 10 told me that Erica lost a leg on Boylston Street and that her  
11 other leg was severely damaged but they would do all that they  
12 could to save it.

13 So my nightmare continued. 34 days in the hospital  
14 for Nicole and 50 days for Erica. I spent all but one day of  
15 those days in Boston. My only respite was going home to  
16 Maryland for 24 hours to get more clothes and take care of some  
17 financial matters.

18 To say that my life has been impacted by the bombing  
19 is an understatement. So much focus has been on the injuries  
01:28 20 of the survivors. I, on the other hand, feel like an invisible  
21 victim. Consider the exhaustion of running almost a full  
22 marathon only to find out that your children were severely  
23 injured as they waited to see their mother cross the finish  
24 line. Most people who run a marathon need a week or more to  
25 recover, but I was immediately thrown into an emotional



1 marathon that tested my mental and physical abilities for more  
2 than two years.

3 Every day for nearly two months I spent with one or  
4 both of my children at their hospitals. Nicole was finally  
5 ready to return to her home, and return to Charlotte with  
6 Michael in May; Erica's hospital stay was much longer. She was  
7 the longest of the injured, and finally went home on June 3rd,  
8 2013.

9 I accompanied Erica when she was medevaced home, and  
01:29 10 she immediately was admitted into an inpatient hospital for the  
11 next two weeks. I visited her or stayed overnight with her  
12 every day while she was there. She was then moved back home  
13 with my husband and me where she and I slept in the living room  
14 while renovations were done on our house to make it  
15 handicap-accessible. During this time, I helped her change the  
16 bandages on her still-open wounds and cared for her needs, as  
17 she was virtually immobile. She was on IV meds for six weeks  
18 that had to be administered every six hours that took 30  
19 minutes each time by either she or I.

01:30 20 In Boston, two free-flap operations were attempted on  
21 Erica's remaining leg, both of which were unsuccessful. A  
22 third attempt to save Erica's remaining leg was made on August  
23 5th, 2013, at Maryland Shock Trauma. She was discharged from  
24 there on August 13th, and I became Erica's 24-hour caretaker  
25 while she healed from this major surgery.

1           The physical and emotional exhaustion was something I  
2     have never felt before. There was very little time for me to  
3     even try to heal my own emotional trauma and get rest. On top  
4     of that, Nicole was home in North Carolina where she continued  
5     to have more surgeries. Due to Erica's need for my constant  
6     help, I was unable to be with Nicole to help with her physical  
7     and emotional needs.

8           My life has been filled with countless hours of  
9     supporting Erica through 21 surgeries, doctors' appointments,  
01:31 10    miles of driving to and from the hospitals and doctors, hours  
11    of sitting in waiting rooms and hospitals, home nurse visits,  
12    physical therapy appointments, home wound care and support for  
13    Erica, Nicole, mental health counseling, untold hours of  
14    paperwork required for reimbursement of bombing-related costs,  
15    and many more demands on my life that I have pushed far from my  
16    memory.

17           I've had to be strong for my daughters while I was  
18    falling apart myself. Many nights I would sit at the dinner  
19    table with my husband and sob from physical and mental  
01:32 20    exhaustion and guilt; the guilt of placing my children at the  
21    finish line as I ran the marathon.

22           It has been extremely hard for me to concentrate on  
23    tasks that require me to be focused. I have spent days where I  
24    felt like I couldn't drag myself out of bed, but I pushed  
25    through it only to wander around the house without the

1 motivation to get anything accomplished. My house, daily  
2 routine, marriage, relationship with my daughters and mental  
3 well-being have all been affected. To say that I was away from  
4 my home a lot with Erica is an understatement which put a  
5 strain on my marriage with my husband, who is not Erica and  
6 Nicole's father.

7           There was no way that my life had any balance in it.  
8 After 25 months, I am still now -- just now starting to feel  
9 the reality of how our lives have been turned upside-down  
01:33 10 forever. I don't have the energy that I once had. I  
11 constantly worry about Erica, Nicole and Michael. They are  
12 still very much affected emotionally. I see Erica's struggles  
13 on a daily basis, how limited she is to engage in activities  
14 that once were so easy for her and the reality that she's  
15 unable to continue her career as a preschool teacher. It pains  
16 me to know that Nicole will never be the outstanding athlete  
17 that she had been and that she will never be able to go back to  
18 her advocacy as a triathlete and her vocation as a personal  
19 trainer. Neither of my daughters have been able to return to  
01:34 20 work, so I experience the added worry about what they will be  
21 able to do for employment in the future.

22           My daughters' bodies are covered from torso to feet  
23 with scars, broken bones, missing bones, severed tendons and  
24 skin grafts. Erica has lost one leg above the knee and her  
25 other leg is so severely injured that she will need to walk

1 with a brace for the rest of her life. She has a scar from her  
2 armpit to her hip where muscle and skin was harvested to cover  
3 up the injury in her remaining leg. Nicole has a scar from  
4 just below her ribs to below her navel from an emergency  
5 abdominal surgery in Boston due to complications from a filter  
6 that was placed in her to prevent blood clots. The filter  
7 became dislodged and perforated her small intestines and became  
8 embedded in an artery.

9 Am I stressed? Physically, emotionally and mentally  
01:35 10 exhausted? Worried? All the time. My life is forever  
11 changed, but not as much as the lives of my daughters and  
12 son-in-law. I have done my best to move forward, to stay  
13 positive and to be thankful for all that we have and all that  
14 we have received. I have tried to hide my hurt and sadness  
15 from my daughters so they can heal emotionally and make the  
16 best out of the life that they have been given. Some days are  
17 just harder.

18 Thank you for your time and allowing me to share how  
19 this horrific event has impacted my life.

01:36 20 MR. MELLIN: Your Honor, Erica Brannock.

21 MS. BRANNOCK: Thank you for letting me speak, your  
22 Honor. My name is Erika Brannock, E-R-I-K-A B-R-A-N-N-O-C-K.

23 While Mr. Tsarnaev did not place the pressure cooker  
24 bomb directly behind me, his participation and involvement in  
25 the planning caused my injuries resulting in the loss of part

1 of my left leg. In April of 2013, I had two amputations: One  
2 on Boylston Street while waiting with my sister and my  
3 brother-in-law to see my mother complete her first Boston  
4 Marathon, the other was two weeks later after the bombing at  
5 Beth Israel Deaconess Medical Center when I gave my surgeons  
6 permission to take my below-the-knee amputation above the knee.  
7 This would ensure that I could later support a prosthesis.

8 While I have made progress after multiple revisions to  
9 my left limb and becoming more comfortable walking with a leg  
01:37 10 that is not my own, I have had struggles -- I've had to  
11 struggle with much more. On April 15, I lost three centimeters  
12 of bone from my fibula in my right leg closer to my ankle than  
13 most doctors would want. To say that I am lucky to be standing  
14 on one of my own legs is an understatement. I should be an  
15 amputee -- a double amputee like Jeff, Celeste and Jessica.  
16 Had it not been for the quick thinking of Amanda North, a woman  
17 I had never met before, I would not be here today. She grabbed  
18 my hand and told me she would get me help. She never -- she  
19 even gave her belt to be used to stop my bleeding.

01:38 20 Mr. Tsarnaev not only played a part in my leg being  
21 blown off and my struggles to walk again, but also in the life  
22 I had built for myself. I am not able to physically teach the  
23 age level I cherished so much because of the serious damage to  
24 my right leg. I cannot run after my students, or as I refer to  
25 them, my babies, and play with them. I cannot fulfill the

1 duties of a teacher of young two-year-olds. Ultimately, my  
2 physical life is now changed forever. To date, I have had 21  
3 surgeries since April 15, 2013, that have repaired holes in  
4 both my eardrums, removed multiple nails and BB's, healed  
5 fractured bones, given me some function back in my right leg  
6 that had a hole blown into it, and the amputation of my -- the  
7 lower part of my left leg above the knee.

8 My risk for early bone disease is much higher now due  
9 to all the injuries I sustained. I will most likely have to  
01:39 10 wear a brace on my right leg for the rest of my life. While I  
11 am standing and walking today, I tire easily when walking or  
12 doing physical activities. It takes a large amount of effort  
13 to walk even just a few feet. I doubt I will ever be able to  
14 run or jog again, so when I have my own children I will not be  
15 able to share that kind of fun and play with them.

16 My mental state is significantly different from where  
17 it was before the bombing. I flinch at loud noises and I  
18 experience panic attacks from flashbacks. That day will never  
19 leave me no matter the amount of time or therapy I have. The  
01:40 20 long-term financial burden I will experience will be with me  
21 for the rest of my life. I was not able to complete my  
22 master's program that I had been working on before the bombing  
23 because I could not complete the requirements both physically  
24 and mentally. Even though I have been profoundly impacted in  
25 so many ways, I will get on with my life and not let

1 Mr. Tsarnaev and his -- Mr. Tsarnaev and his brother decided to  
2 do. What they did will not break my spirit and my drive to  
3 accomplish my dreams and goals.

4 Thank you.

5 MS. PELLEGRINI: Jeanne-Marie Parker.

6 MS. PARKER: Good morning, your Honor. My name is  
7 Jeanne-Marie Parker, J-E-A-N-N-E-M-A-R-I-E P-A-R-K-E-R. I was  
8 at the Forum with my two daughters, my nieces and some friends.  
9 We were inside when the bomb detonated, went off. I cannot  
01:41 10 explain to you the terror we all felt.

11 In the 49 years of my life, I never knew this  
12 gut-wrenching feeling that would change our lives forever. The  
13 last two years of our lives have been challenging to say the  
14 least. We suffer from permanent hearing loss, tinnitus, severe  
15 anxiety, PTSD, severe migraine headaches, difficulty in startle  
16 response, to name a few.

17 I may not look wounded to you, but I am. You don't  
18 see my wounds because they are invisible to the eye. I can  
19 relate to that because I watched -- I watched your aunt walk to  
01:42 20 the stand while she showed no obvious signs of physical trauma  
21 either; however, as I watched you watch your aunt try and  
22 speak, she couldn't utter a word because she was hysterically  
23 crying. I saw you wiping your tears away knowing that you were  
24 the cause of her pain. She may not have suffered a physical  
25 injury by your hands like we did, but you obviously caused her

1 severe emotional trauma.

2 While you wait in prison for your impending death,  
3 your aunt will carry the emotional pain. Long after you are  
4 gone, your aunt will continue to carry that pain with her for  
5 the rest of her life. Not only is that going to affect her,  
6 but everyone else she interacts with will be impacted.

7 That was just one person. Now think about that  
8 magnified by every person who was not only at the marathon but  
9 knew someone at the marathon or watched the images on TV. Just  
01:43 10 know that you have caused that much pain and suffering. My  
11 pain is their pain. It's like a cancer that you created that  
12 spread so rampantly. My only hope is that you own all of this  
13 grief and anguish for the rest of your natural life.

14 What I represent in the world is wholeness and  
15 healing. I ask myself where does the healing begin. It begins  
16 with you taking responsibility for your actions, telling the  
17 truth and asking for forgiveness. So I have one question for  
18 you: According to your meetings with Sister Prejean, you are  
19 remorseful for your actions. I haven't seen or heard any  
01:43 20 indication of that. What would your impact statement be for  
21 all the pain and suffering that you've caused? I challenge you  
22 to write that.

23 Thank you.

24 MR. MELLIN: Scott Weisberg.

25 MR. WEISBERG: Your Honor, my name is Scott Weisberg,



1 S-C-O-T-T, Weisberg, W-E-I-S-B-E-R-G. Thank you for allowing  
2 me to speak today.

3 I am a 45-year-old family physician from Birmingham,  
4 Alabama. I'm also a marathon runner, and I now suffer with  
5 bilateral hearing loss, a mild traumatic brain injury,  
6 posttraumatic stress disorder as a result of accomplishing my  
7 first Boston Marathon on April 15, 2013, which was a dream of  
8 mine.

9 I crossed that finish line three seconds prior to the  
01:44 10 detonation of the first bomb. I am so grateful to be here  
11 today for my family, and especially for my three children,  
12 Joshua, Jordan and Jesse, but my life has changed forever, as  
13 well as the other survivors, as a result of that day.

14 I never would have thought that I would be wearing  
15 hearing aids at 43 years old. I also never realized that I  
16 would have to convince society and my medical professionals  
17 that my injuries were real because they are hidden and  
18 invisible. It took me over 16 months of searching for answers  
19 to figure out my injuries. I spent countless hours going to  
01:45 20 the doctors', taking medications, as well as having very  
21 painful procedures on my ears to only find out that my hearing  
22 loss was permanent.

23 It is very easy to diagnose someone with depression  
24 and PTSD due to the traumatic event that we all endured. I was  
25 forgetful, confused. I could not perform higher executive

1 functioning tasks. And as a family physician, that was a real  
2 problem. Despite all of the technology available in today's  
3 world, I am still not able to use a stethoscope to hear body  
4 sounds. I was the main financial supporter of my family and I  
5 had my own very successful medical practice for ten years. Now  
6 my practice is struggling to survive. I continue to do the  
7 very best for my three children, and in the midst of this, I'm  
8 getting a divorce because my spouse cannot grasp the trauma  
9 this has inflicted on me and my family.

01:47 10 I live in Alabama, isolated from other survivors and a  
11 city that understands what happened to them. Luckily, I have a  
12 support group through our private social media site, but it is  
13 very hard going through this process, often at times alone.  
14 The process of trying to reinvent oneself and deal with the  
15 emotional trauma after an event such as the Boston bombing is  
16 overwhelming, but when one is forced to convince others that  
17 their injuries are lifelong and costly, compounds the problems.

18 I fight constantly with my insurance carriers because  
19 they do not recognize hearing aids as a necessary medical  
01:48 20 expense. In addition, they do not feel that speech therapy is  
21 necessary to help in the recovery of a traumatic brain injury.  
22 Traveling to my doctors in Boston, Huntsville, Alabama, and  
23 Montgomery, Alabama, makes it very difficult to function as a  
24 working adult. Additionally, seeing both mental and speech  
25 therapists to help with all of my conditions takes time and

1 money.

2 I wish the world could take my place one day and see  
3 what it's like to appear normal on the outside and have so many  
4 day-to-day problems on the inside. My hearing loss is  
5 bilaterally, and I've been wearing hearing aids since August of  
6 2013. I change out my batteries every few days, and the  
7 maintenance and upkeep is unbelievable. My brain injury has  
8 left me having trouble with processing speed and working  
9 memory, both of which are very important in the world of being  
01:50 10 a family physician.

11 I'm still struggling to convince insurance companies  
12 that I actually have a disability since these are hidden and  
13 invisible injuries. I have since become an advocate for  
14 others, which is why I'm here today in this courtroom sharing  
15 my story. I want people to understand that my injuries are  
16 very significant and will be with me for the rest of my life  
17 and will impact my future and my family's future forever.

18 There are around 260 survivors of the bombings that  
19 have issues just like myself, all dealing with tinnitus,  
01:50 20 hearing loss, brain injuries, depression, PTSD. Our voices  
21 must be heard and our injuries are not disappearing. Our lives  
22 have changed April 15, 2013, and we must not be forgotten by  
23 the City of Boston, the State of Massachusetts, the United  
24 States, and by the community of professionals that take care of  
25 us, whether it's in Massachusetts, Alabama, Maine, Wisconsin,

1 California, North Carolina, Pennsylvania, Maryland and whatever  
2 other states we come from.

3 Thank you for allowing me the opportunity to speak  
4 today and to share my story as well as that of the other  
5 survivors.

6 MS. PELLEGRINI: Meghan Zipin.

7 MS. ZIPIN: Good morning. My name is Meghan Zipin.  
8 And you spell the "Zipin" Z-I-P-I-N.

9 A few months ago many of us who are here today  
01:52 10 received a letter in the mail, and the first question was,  
11 "Describe in your own words the harm you suffered from the  
12 crime the defendant committed. Explain the physical, emotional  
13 and financial harm you endured. Include any long-term impact  
14 you foresee, and describe what that means to you and your  
15 lifestyle."

16 It's nearly impossible to answer that question, and  
17 that is my most important statement. This is a huge ask, to  
18 still down to three black and white lines of text, text that  
19 ends with the question, what does this mean to you and your  
01:52 20 lifestyle. I decided to match the direct nature of the  
21 question because there's power in a collective voice. I hope  
22 that you've read 260 messages of triumph, fight, struggle,  
23 loss, madness and strength. Just know your question is too  
24 simple and the fight is too complex. We all wish that we knew  
25 the answer.

1           Physically, my ears and auditory processing ability  
2       were directly impacted by the crime. My hearing loss is named  
3       global auditory processing disorder, and mine is classified as  
4       severe and permanent. Your ears and your brain work together  
5       listen to stimuli and processing that information into  
6       interpretable language. My injury interrupts that  
7       communication, making it difficult to distill and comprehend  
8       auditory information in any environment. I'll wear hearing  
9       aids forever to minimize the struggle. The injuries most  
01:53 10      consistent with traumatic brain injuries seen in soldiers  
11      following an IED impact, bombings and proximity to the  
12      explosion matters. My foot was on the finish line.

13           I suffer an array of physical symptoms consistent with  
14      PTSD: Insomnia, hyperventilation, hypervigilance, rapid  
15      heartbeat. My fight-or-flight hormones are still high that  
16      doctors once suspected I had a tumor on the secreting glands.

17           Emotionally, two of my friends were waiting for me at  
18      the finish line. Both girls were blown up, suffering  
19      life-threatening injuries. And the weight of guilt is  
01:54 20      insurmountable. The memory of their suffering is burned in my  
21      brain. And all that once felt safe and secure in the world has  
22      felt jarred. PTSD is a beast that I continue to tackle. I  
23      have panic attacks, and at one point in January 2015 they  
24      occurred every 48 hours for weeks. I work to control severe  
25      anxiety, frequent nightmares, and a disconnect associated with

1     losing all that once defined me.

2             Financially, I'm a 2013 MBA graduate of Boston  
3     College. In September of 2012, prior to graduation, I accepted  
4     and began a job with a large Boston firm. The salary was over  
5     \$100,000, and I couldn't believe it. After the bombing, I  
6     never returned. Due to my symptoms, I had to leave my job in  
7     business development. I am married, and thankfully my  
8     apartment and health insurance remain secure. But when you  
9     lose -- when you once earned a keep and then you stop, your  
01:55 10    personal worth suffers a far greater loss than can be counted  
11    in dollars. The loss is impossible to capture.

12            I will try to remember that the bombing always will  
13    have happened but it will not forever define me. It will not  
14    always define my marriage. It will not define my relationships  
15    or my injured friends. I do not know when I'll feel that  
16    shift, and the long-term impact of not knowing even that is  
17    overwhelming, so I'm going to list for you what I know.

18            I know I can no longer work in business development,  
19    an environment flurried with complex, simultaneous conversation  
01:56 20    an environment where I once thrived. I know I will have to  
21    find a means of professional development, of financial security  
22    that accommodates for my hearing deficits, my need for  
23    flexibility and for personal connection. I know I will suffer  
24    from PTSD forever, but hopefully not to this degree. I know my  
25    marriage will always carry the burden of this event, our

1 foundation was cracked, and we'll work forever to make it  
2 whole. I know I will never be who I once was, and although we  
3 all change and grow, rarely are we forced to change  
4 instantaneously. I know I will always miss that 2013 Boston  
5 Marathon runner girl because she was one of the good ones.

6 I know I will live a life of deep gratitude. I  
7 promised myself immediately after the bombing that I would not  
8 let an opportunity to say thank you pass me by. This is a gift  
9 borne out of tragic circumstances, but long term I believe it  
01:57 10 will free my spirit and allow me to appreciate people in a way  
11 I never would have been capable of before the bombing. I know  
12 one day I'll be a better mother and my husband will be a better  
13 father because we will show our children all that is good in  
14 the world and all that there is to be thankful for.

15 I try to think of a way for someone who didn't  
16 experience this to understand what this is like. And, Judge, I  
17 want you to imagine that you had a dandelion, one that made it  
18 to the phase of a perfect, white-lace, fuzzy sphere made of a  
19 million individual seeds. Imagine you stood with the wind at  
01:58 20 your back and you blew. You'd watch the seeds fly high and  
21 far. Some would land, some would hide, some would endlessly  
22 float away. It happened in an instant: A beautiful sphere, a  
23 very explosive disbursement. You'd never be able to find all  
24 the pieces. It's an impossible task. With this question,  
25 you've asked me to find those pieces and remake a sphere.

1 You've asked 260-plus survivors to find those pieces and to  
2 make their spheres. I beg my words offer mild justice to our  
3 collective plight, and I am grateful that you've taken the time  
4 to so thoughtfully listen.

5 Judge O'Toole, I came here for the first two days of  
6 the trial. I came with those girls, for my friends. I watched  
7 the defendant. He sat there blank, never looking at any of us.  
8 And after that day, I realized I'm the one who's alive, and the  
9 defendant, he's already dead. Today I'll go home to my  
01:59 10 husband, to my comfortable bed. I'll eat pizza, I'll go to  
11 yoga. And the defendant, your Honor, he'll go back to a cell  
12 from now until forever. He's the one who's dead and I'm the  
13 one who's alive. Thank you.

14 MS. PELLEGRINI: Johanna Hantel.

15 MS. HANTEL: Good morning, your Honor. My name is  
16 Johanna Hantel, H-A-N-T-E-L. I would like to thank the Court  
17 for giving me this opportunity.

18 I'm a runner. I was running the Boston Marathon on  
19 April 15th, 2013. If not the only, I was one of the very few  
02:00 20 runners who had qualified with a time for the marathon who were  
21 injured. I was about ten feet from the first bomb that  
22 exploded. The physical injuries I sustained included broken  
23 and dislocated fingers, a ruptured eardrum, hearing loss,  
24 dental bite and jaw misalignment, shrapnel wounds and a  
25 traumatic brain injury. I continue to suffer from cognitive



1 deficiencies, difficulty remembering, concentrating, making  
2 decisions, slowed thinking, speaking. My brain sometimes does  
3 not let my mouth speak the words that I'm trying to say. I'm  
4 easily confused. I feel tired all the time and lack energy. I  
5 am anxious, have mood changes, crazy sleep patterns, and simple  
6 things are now overwhelming. I have a constant headache,  
7 dizziness, loss of balance, blurred vision, ringing in the  
8 ears, increased sensitivity to lights, sounds and distractions.  
9 I'm easily startled and jump at everything.

02:01 10 2013 was my 13th Boston. I love the Boston Marathon.  
11 Following the race each year, I cannot wait until the next year  
12 to return to Boston. I belong to the old school of the Boston  
13 Marathon, when the only way to get in was to qualify with a  
14 fast time. Boston was the race all distance runners aspire to  
15 run. The day I qualified was one of my proudest moments, and I  
16 decided then that I would run each year that I continued to  
17 qualify. If I did not qualify, I would not run. Because of  
18 this horrific act committed, I can no longer qualify.

19 As a distance runner, I am tough both mentally and  
02:01 20 physically. I have a very high pain tolerance. I just naively  
21 thought -- assumed my injuries would heal and everything would  
22 return to normal. But this has been a nightmare. As far as my  
23 physical injuries are concerned, I am coming to terms with my  
24 new normal; however, as a participant of the marathon, what  
25 continues to haunt me is that this heinous attack seemed to be

1 directed at the spectators. The most severely injured victims  
2 of this tragedy were those there to watch us, the runners. I  
3 feel if we had not been running, this dreadful crime would not  
4 have occurred. I blame myself. I think that somehow as a  
5 participant this was my fault, and I cannot shake this guilt.

6 This trial, conviction and sentencing have not been  
7 healing for me. They have brought everything back up that I've  
8 tried -- been trying for two years to put past me. This  
9 conviction and sentencing have not brought closure for me. I  
02:03 10 do not believe in closure. They will not bring back Martin,  
11 Lindsay, Krystle or Sean. They will not return those of us  
12 affected to our previous lives. I will say that I have come to  
13 peace with Mr. Tsarnaev, and amidst the tragedy of this  
14 horrific act, I have seen and felt overwhelming goodness and  
15 kindness. And if I have to crawl, I am going to continue to  
16 run Boston each year even if I cannot qualify because I will  
17 not let this sickening act take that away from me. And there  
18 will be four angels waiting along Boylston Street for me to  
19 finish.

02:03 20 I'm sorry for you, Mr. Tsarnaev. I hope you're able  
21 to do something good during your life. Good will always  
22 conquer evil. Isn't that the fundamental core of all  
23 religions?

24 I want to say thank you to the Court, the U.S.  
25 Attorney's Office and the jury. God bless all those affected

1 by the events of April 15th, 2013, and God bless the City of  
2 Boston and the United States of America. I have been reassured  
3 that our legal system works. I'm so very proud to be an  
4 American. Thank you.

5 THE COURT: I think at this moment we'll take a  
6 ten-minute recess.

7 THE CLERK: All rise for the Court. Court will take a  
8 ten-minute recess.

9 (The Court exits the courtroom and there is a recess  
02:04 10 at 11:32 a.m.)

11 THE CLERK: All rise for the Court.

12 (The Court enters the courtroom at 11:53 a.m.)

13 THE CLERK: Be seated.

14 THE COURT: Everyone ready?

15 MS. PELLEGRINI: Your Honor, Jennifer Joyce-Maybury.

16 MS. JOYCE-MAYBURY: Hi. I'm Jennifer Joyce-Maybury.  
17 Last name is M-A-Y-B-U-R-Y. I'm Jeffrey Bauman's aunt, and  
18 this is Erica Joyce, J-O-Y-C-E. This is Jeffrey Bauman's  
19 sister-in-law.

02:26 20 I will never forget April 15, 2013, when this horrible  
21 and unthinkable act happened. I was enjoying the day at the  
22 zoo with my six-year-old son when I received a text message  
23 containing a graphic photo of my nephew Jeffrey, an iconic  
24 photo of a shellshocked man being pushed in a wheelchair, panic  
25 in the air, a look of sheer horror on his face, and his

1 beautiful legs, nothing but raw bone and tattered flesh.

2 Like most of the country, I cannot erase that image  
3 out of my mind. It haunts me to comprehend the barbaric act  
4 that my nephew endured. For several agonizing hours, I could  
5 not get any information whether Jeffrey was dead or alive. It  
6 was the worse hell anyone could imagine. I've had to watch  
7 Jeffrey go through countless operations and endless therapy  
8 sessions. I had to learn about the pain in therapy and the  
9 strength and courage it takes to put on prosthetic legs and  
02:27 10 find a way to stand. I watch Jeffrey take step after agonizing  
11 step with such determination knowing that this was a bitter  
12 fight to regain his independence. I was so overwhelmed with  
13 what happened to my nephew and the journey to recover he would  
14 need to take.

15 Like a rock thrown into a pond, there are rippling  
16 effects that carry. It was not only Jeffrey that was affected  
17 by this act, the impact of the bombing has created severe  
18 stress and emotional trauma on our whole family. In order for  
19 Jeffrey to receive treatment and therapy, he needed many around  
02:28 20 him to support him. I took off three months of work, unpaid,  
21 to help my nephew and my sister Patty, his mom, to travel from  
22 Chelmsford into Boston every day for months. That day changed  
23 the course of an entire family. For the first time in my life,  
24 I was taking anxiety and sleeping pills so I could find release  
25 from the nightmares that haunted me.

1           The fear and anxiety never leaves you. It bubbles  
2 right under the surface waiting, always waiting, looking over  
3 your shoulder, feeling uneasy in large gatherings. I am unable  
4 to fully talk or express what happened to my nephew Jeffrey; it  
5 provokes such pain. I worry every day about Jeffrey who still  
6 does not find comfort in his prosthetic legs and wonder will he  
7 ever? When will the pain end for him? Why did this have to  
8 happen to him? Will he ever be the same? Will our family?

9           This is a tragedy that you caused my nephew Jeffrey;  
02:29 10 his friends and his family. We will live with the ripple  
11 effects for the rest of our lives.

12           Thank you for taking the time to hear my thoughts.  
13 From a loving aunty of Jeffrey Michael Bauman, Aunty. Thank  
14 you.

15           MR. MELLIN: Jennifer Kauffman.

16           MS. KAUFFMAN: Your Honor, my name is Jennifer  
17 Kauffman, K-A-U-F-F-M-A-N. First, I'd like to thank the jury  
18 for your service and I'd like to thank all of the countless men  
19 and women who worked tirelessly to bring justice for myself and  
02:29 20 the rest of the survivors.

21           The actions of the defendant and his brother have  
22 completely altered my life. I've had to endure numerous  
23 physical and emotional complications all while trying to  
24 rebuild my life, which I know will never be the same. The  
25 wonderful memories that began on the morning of April 15, 2013,

1 have been overshadowed by the terror that took place in the  
2 afternoon.

3 It was my first time attending the Boston Marathon. I  
4 remember being deeply inspired and overjoyed with each and  
5 every runner passing by. It was electrifying. I was at the  
6 finish line with a close friend of mine waiting for her son to  
7 come running down Boylston Street. We were tracking his  
8 progress and we knew he was in the final stretch. We were  
9 standing along the steel barricade near Marathon Sports, a few  
02:30 10 feet away from Krystle Campbell and her friend Karen McWatters.  
11 Then all of a sudden, without any warning, the first explosion  
12 detonated. The loud cheers of joy quickly turned to silence,  
13 followed by pandemonium. People were crying and screaming for  
14 help. It was absolutely horrifying.

15 The picture -- words cannot begin to fully describe  
16 the tremendous impact this horrific event has had on my life.  
17 My physical impact: I suffered an abdominal injury causing  
18 bruising and swelling of most of my major organs, which was  
19 excruciatingly painful and resulted in my inability to eat  
02:31 20 normal for months; in fact, I still eat a very restrictive diet  
21 today to ensure I minimize the inflammation in my body. I  
22 suffered neck and back injuries causing severe headaches, and  
23 my inability to walk for many months after the bombings. I  
24 also suffered a heart arrhythmia as a result of the force of  
25 the explosion. I have suffered damage to my ears;

1 specifically, nerve damage to my left ear, along with increased  
2 sensitivity and hearing loss. Most of the first 15 months were  
3 spent going to doctors, specialists and wellness practitioners  
4 multiple times weekly. In fact, it felt like a full-time job.  
5 I've been diagnosed with PTSD and am being treated by several  
6 mental health doctors and practitioners.

7 I was an active, athletic person prior to all of this  
8 happening; now my physical fitness level is considered below  
9 normal for someone of my age and prior activity level. I have  
02:32 10 not been able to resume any of my normal activities on a  
11 regular basis, such as going to the gym, biking, hiking,  
12 swimming, golfing, and all the other fun things I once loved to  
13 do. There hasn't been one day where I have not experienced  
14 some form of pain in my body to varying degrees. Despite all  
15 the progress I've made in the past two years, I continue to get  
16 fatigued easily.

17 My emotional impact: Before suffering this unprovoked  
18 life-changing terrorist attack, I was a successful business  
19 woman. Very active in my community, fit, happy and passionate  
02:33 20 about life. After the bombings, I have struggled to feel safe  
21 and secure outside of my own surroundings and I have not been  
22 able to trust people like I once did. I no longer am able to  
23 do the social things I once loved: Dining out with family and  
24 friends, going to sporting events, traveling the world and  
25 more. I have been stressed about money and my ability to make

1 ends meet.

2 In the beginning I experienced recurring nightmares of  
3 the bombings as I was reliving it all over again. I was  
4 literally afraid to sleep. Although the nightmares have  
5 lessened, I still experience nightmares from time to time. In  
6 fact, during the court proceedings the nightmares resumed in  
7 full force as if the bombings had just happened again. It's  
8 very upsetting and discouraging after all the work I've done to  
9 get myself well again. I often experience flashbacks from the  
02:34 10 bombings, unexpected triggers that cause stressful experiences  
11 that I've never even experienced before. Sensitivity to sound,  
12 light, proximity to other people. I often have feelings of  
13 being trapped, stuck, which leads to anxiety and panic attacks.

14 I have been forced to alter my life and I have become  
15 more reclusive in order to protect myself and feel safe. On  
16 occasion I will experience random outbursts of rage and anger  
17 or profound sadness and crying that occur completely out of the  
18 blue. Perception from others that I look fine, therefore, I  
19 should be fine; the fact that I did not lose a limb means that  
02:35 20 some people judge me because on the outside I look normal yet  
21 on the inside I'm still dealing with the complications as a  
22 result of the injuries I sustained at the bombings and my life  
23 will never be the same. Relationships in my life have  
24 significantly altered. I have lost friends, some members of my  
25 family who simply cannot understand why I am the way I am



1 today. I am no longer the person I once was, and I think that  
2 scares people.

3 This has greatly affected every aspect of my life. I  
4 am currently unable to work like I used to. I no longer  
5 socialize like I used to and I am unable to physically do the  
6 things I once loved to do.

7 My financial impact: For eight years I owned and  
8 operated a coaching and consulting business. At the time of  
9 these explosions, I had just come off the best year in my  
02:36 10 business. In addition, I had recently signed a contract with a  
11 publishing company to publish my first book. After the  
12 bombings, I had to let go of all of my clients and I had to  
13 live off of my savings for the next 15 months. I resumed  
14 working on a limited basis in July of 2014. To this day, I am  
15 unable to work a normal 40-hour workweek.

16 Conventional medicine was unable to address all of my  
17 conditions that were a direct result of the injuries I  
18 sustained. I had to pursue holistic treatment, all of which  
19 was paid out-of-pocket and continues to be the case today. At  
02:36 20 this point I have spent in excess of \$50,000 in treatment, and  
21 even though I do not require the same level of treatment today  
22 as I once did, it is unknown the duration of treatment required  
23 to regain a normal live. Since I am unable to work full time,  
24 it is impacting my ability to rebuild my savings and  
25 retirement. I have literally lost hundreds of thousands of

1 dollars in lost wages.

2 The fact that everything I used to love to do in many  
3 instances I can no longer do at this point in my recovery. My  
4 life has been completely changed. I had plans of buying my  
5 first home in 2013 but I had to use all my savings for my  
6 medical treatment.

7 Despite the tremendous impact this event has had on my  
8 life, I forgive you and your brother for the harm and the  
9 terror that you caused me, my family, my friends, my fellow  
02:37 10 survivors and victims, and my community. My hope and desire is  
11 that some day soon you'll be brave enough to take 100 percent  
12 responsibility for your actions and be willing to forgo your  
13 right to appeals so we can all move forward in peace.

14 Thank you.

15 MS. PELLEGRINI: Annette Emerson.

16 MS. EMERSON: Your Honor, I'm Annette Emerson,  
17 E-M-E-R-S-O-N. Thank you for giving me the opportunity to  
18 speak today.

19 When the bombs exploded in 2015 -- I mean April 15,  
02:38 20 2013, terror soared through me like a rocket. I could feel it  
21 in my body, my mind and my soul. My instinct was to flee the  
22 scene. With my ears buzzing, I ran as fast as I could to get  
23 away. The defendant stole my hearing, my sense of security and  
24 my way of life. Physically, I suffer a mild traumatic brain  
25 injury and hearing loss, and I'm under medical care for all

1 that. I often fail to register new information and must reread  
2 and be retold information. Before the bombings, I was not  
3 easily distracted and could switch back and forth between  
4 different tasks. Now when I speak, I often cannot say what I  
5 want to say because I have blanked out or I cannot retrieve the  
6 words I want to share. This leads to frustration and anxiety.

7 Emotionally, I suffer posttraumatic stress syndrome.  
8 Before the bombings, I was a bubbly, outgoing person, now I am  
9 hypervigilant, especially when I'm in a group of people. I  
02:39 10 used to enjoy fireworks; now they haunt me. My sleep patterns  
11 have been disturbed. I am restless at night and have a hard  
12 time getting to sleep. I wake very tired and often with a  
13 headache. I have to rest during the day because my energy  
14 levels are so that I'm forced to -- are so low. I have forced  
15 myself to participate in events like the 2014 and 2015 Boston  
16 Marathons, but I'm a basket case during these events. I keep  
17 on my eyes on other people and think: Will this person hurt  
18 me? Am I safe? Will I survive this experience? It saps the  
19 joy of the event. I refuse to give up. If I give up, the  
02:40 20 defendant wins. If I strive to take my life back as best I  
21 can, then I win. But why must I be in this position of  
22 choosing who wins? I have learned that I must let the anger go  
23 and forgive the transgressions so that I can take back my life.  
24 The experience did not break me; it has made me stronger.

25 Financially, I live on a limited income. Because of

1 the treatment I need to recover, I must pay out-of-pocket for  
2 extra expenses. My copayments and other treatments that are  
3 not covered by insurance, unfortunately, these aren't  
4 reimbursed so I must pay for myself. I live in Maine, several  
5 hours from Boston. Because most of my treatment takes place in  
6 Boston, I have to bear the physical strain and travel several  
7 hours south for treatment as well as the cost of travel. This  
8 financial burden causes a great deal of stress and anxiety.

9 Thank you, your Honor, for letting me speak.

02:42 10 MR. MELLIN: Ed Fucarile.

11 MR. FUCARILE. Good morning, Judge. My name is Ed  
12 Fucarile, F-U-C-A-R-I-L-E. This is my wife Andrea. My son  
13 Marc lost his right leg and he's fighting to keep his left.

14 The first time I saw you in this courtroom, you were  
15 smirking at all the victims for your unspeakable, cowardly  
16 acts. You don't seem to be smirking today. You angered all of  
17 us, but only made all of us affected stronger. You've taken  
18 lives and severely damaged bodies, including my son Marc's, but  
19 you haven't broken his spirit, his strength. He suffered but  
02:43 20 brought him to victim's closure and is stronger. Sorry.

21 As far as I'm concerned as a father, although it is  
22 what the law allows, your sentence today should be as severe as  
23 possible. In the end, you have failed. As a city and a  
24 country, we only became stronger and more prepared.

25 I also want to thank the jury and the prosecutors for

1 a job well done. Thank you.

2 MS. FUCARILE: Thank you.

3 MS. PELLEGRINI: Liz Norden.

4 MS. NORDEN: Good morning, Judge.

5 MS. PELLEGRINI: Your Honor, may I stand (indicating)?

6 THE COURT: All right.

7 MS. NORDEN: Today, with your Honor's permission, I  
8 would like to respectfully read my prepared statement. My name  
9 is Liz Norden. I'm the proud mother of sons JP and Paul  
02:44 10 Norden, brothers who each lost their right leg after the second  
11 explosion and during the Boston Marathon terrorist attack. I  
12 am extremely grateful and forever appreciative for this  
13 opportunity to express both my feelings and share a little bit  
14 about my family's life and what we've been through since  
15 Monday, April 15, 2013.

16 Your Honor, I can confidently say we've been through  
17 hell and back and have dealt with challenges no family should  
18 be forced to endure. It is of great emphasis when I say that  
19 only a mother can describe the everlasting agony and any grief  
02:45 20 and uncontrollably helplessness when one of their children  
21 suffers a traumatic injury causing overwhelming pain, and  
22 perhaps even more, the unthinkable, loss of life, to see your  
23 child, my children, although grown young men, so injured, so  
24 hurt, so broken, and the mere sight of them brought me to my  
25 knees in gut-wrenching and crippling pain. I'm here today

1 because I have two sons whose lives were literally destroyed  
2 within seconds.

3 My family and I are no strangers to difficult times  
4 and trying circumstances and life challenges that some feel  
5 either make you stronger or tear you apart. Today it is my job  
6 to tell you what my family has been through going back to  
7 directly before the first explosion -- now I can't see -- on  
8 Boylston Street; however, before I do that, please allow me to  
9 acknowledge the many other survivors, victims and family  
02:45 10 members who have equally shared in their own suffering, pain  
11 that I've come to know and love.

12 Today is the time we can openly find comfort, closure  
13 and comfort that justice is served. Regardless of our  
14 individual opinions and personal beliefs concerning the  
15 appropriate punishment and how we each feel about the death  
16 penalty, the jury has rendered their decision. Although there  
17 are no winners on either side, I know this: My family, me  
18 personally, our lives have forever changed. We have to  
19 continue to work to put this tragic and hateful act behind us  
02:46 20 so it doesn't actually become a negative emotion that will  
21 slowly ruin from within.

22 From the beginning, my boys decided they were not  
23 going to be identified by the marathon. They both told me that  
24 they would not let this horrific event define who they'd  
25 become, yet they have accepted the disability but will not be

1     plagued by the new obstacles in their way.

2             Next, it's necessary for me to force [sic] on the  
3     horrendous acts of the defendant and that of his brother that  
4     were both unexcusable and unforgiven. Nothing will ever return  
5     our lives back to before the senseless acts. No sentence, no  
6     words, no punishment will ever take back what this defendant  
7     took when he executed his plan to cause death and destruction  
8     against so many innocent people, not from the families who lost  
9     loved ones, not from the many injured and not from my two sons.

02:47 10            Your Honor, I have already submitted my original draft  
11     for your review and trust it will be part of the record.  
12     Please afford me a minute to mention yourself and the other  
13     wonderful people who have made this abnormal event both  
14     comforting and manageable. I can honestly admit I would need  
15     all day to thank the many awesome professional and committed  
16     staff. Thank you.

17            Also, I would be completely remiss if I didn't  
18     acknowledge the countless friends and strangers who rushed to  
19     help after the explosion. It is often said that very good can  
02:47 20     usually come from the extreme bad. Well, if there's any silver  
21     lining that I could say, it is the unaccountable strangers  
22     around the world, many exceptional and compassionate people who  
23     extended their love, support and kindness as we endured this  
24     nightmare. I am confident that my family would all agree that  
25     we are getting through this unbelievable ordeal because of the

1 help and thoughtfulness of so many. So, please, from the  
2 bottom of my heart, thank you, and we are forever grateful.

3 Over the last two years, I've spent countless hours  
4 thinking and asking why and who could be capable of committing  
5 such horrific acts, who could harbor so much anger and have so  
6 much hate that they could not only preplan, execute and commit  
7 acts of terrorism with such malice intentions and wiliness to  
8 cause as much death, destruction and fear, to be so removed  
9 from human decency and compassion that they not only place  
02:48 10 bombs besides innocent women and children, but quite honestly,  
11 after two long years, I still haven't come to understand what  
12 possible motive, reason or goal these two cowards had in mind  
13 when they exploded two homemade bombs packed with nails, screws  
14 and ball-bearings and other foreign objects.

15 Today I sit in this courtroom after spending many  
16 painful minutes, hours, days and weeks, months watching my two  
17 sons work to overcome, adjust and achieve the things most of us  
18 take for granted every day. Before I continue further, let me  
19 proudly proclaim, my two sons are doing remarkably well. And  
02:48 20 for the record, they recognize what was taken from them; yet,  
21 in some strange way, they have become stronger and more  
22 determined to achieve and make a positive difference.

23 While I find it difficult and extremely painful to put  
24 into words, let me try my best to tell you what my family has  
25 been through over the past couple of years. On Monday, April



1 15th at approximately 3:10, I experienced what I would clearly  
2 describe a mother's worst fear: A telephone call that I will  
3 never forget as long as I shall live. I not only heard the  
4 pain, I could feel the extreme fear and severe hurt as my  
5 second-oldest-son Paul called me from the street. I'll never  
6 forget his voice, his uncertainty, his urgency for help, yet  
7 all the time telling me he couldn't find his brother or his  
8 girlfriend.

9 After quickly talking with Paul and learning of the  
02:49 10 events, I heard this unfamiliar voice take the phone. I now  
11 know it was an EMT who wanted me to hurry to get to the  
12 hospital. It was very bad. The feeling of shock overwhelmed  
13 me. It was like time standing still. I can only best describe  
14 it as it seemed like an eternity. I was confronted with  
15 rushing to my two sons but had no idea where they were or where  
16 to go, in fact, if they were still alive.

17 I have to confess not for a second can I imagine or  
18 conceive the chaotic scene immediately following the explosion.  
19 After talking with Paul for that brief minute, the urgency,  
02:50 20 distress, pain and panic all evident, and yet assent in his  
21 voice as he remarkably attempted to remain calm, I started to  
22 panic but knew I had to keep it together so I could handle the  
23 long nights and days that awaited me.

24 To share some additional facts that were caused by  
25 that day: My two sons each lost a right leg. They sustained

1 numerous wounds, injuries and burns. Paul's leg was actually  
2 severed from his body and was clearly visible when we watched  
3 the video of the explosion. He required two immediate  
4 surgeries just in order to save his life that evening. He was  
5 amputated above the knee and was placed in a medical coma for  
6 seven days until his infection cleared. It was difficult for  
7 Paul these first few weeks and at times we didn't know what was  
8 happening from one hour to the next. He spent the next 32 days  
9 in the hospital with family and friends providing emotional  
02:50 10 support, his younger brother Jonathan, who planned to attend  
11 the marathon with his two brothers that day, decided to visit  
12 JP at another area hospital.

13 JP was admitted to a different hospital where his legs  
14 were shredded -- where he had his leg shredded in the blast,  
15 one so severe the video confirmed that his leg was barely  
16 attached by skin and bone. It was dangling from his tattered  
17 and burned clothes. These images were clearly visible in the  
18 courtroom, images that I now wish I could erase and bury.

19 It should be noted that I was informed that JP arrived  
02:51 20 by EMS at the hospital with just about a liter of blood  
21 remaining in his broken, almost-lifeless body. He was barely  
22 clinging to life and spent the next 46 days in the hospital  
23 with family and friends. In addition to the limb loss, both my  
24 boys -- both of my sons had burns over 50 percent of their  
25 bodies, which required skin grafts, surgeries, and various

1 other medical procedures. They both incurred permanent hearing  
2 loss and require medical -- due to medical care as they move  
3 forward.

4 The bomb and explosion didn't just take their legs,  
5 but their bodies were embedded with shrapnel, nails, screws and  
6 ball-bearings causing severe and permanent nerve damage. This  
7 very day they both carry around foreign objects that may or may  
8 not work their way out through the skin. It is sad that my  
9 sons are reminded of the defendant's cowardly and gutless acts  
02:52 10 whenever they feel the pain or the movement of the metal inside  
11 their bodies. Over the last two years our lives have been  
12 turned upside down and inside out with emotions. My sons have  
13 had over 50 surgeries combined. One has lost functionality of  
14 his hand due to nerve damage caused by the shrapnel, and the  
15 other requires additional surgery to his ever-changing limb.

16 The bombings have not only changed JP and Paul's  
17 lives, it has also changed the lives of my entire family and  
18 friends. We will never be the same again. I cannot begin to  
19 describe the fear, the pain, the sadness and the emotional  
02:52 20 distress the bombing has caused us. As a mother, I was beyond  
21 devastated. Having two severely injured sons at two different  
22 hospitals undergoing many emergency surgeries, often at the  
23 exact same time, clearly presented a problem for me. I was  
24 being pulled in two different directions, and it would be  
25 impossible for me to explain to you today. I had to do what I

1 hope and pray that no parent or mother should have to do:  
2 Choose, or better yet, decide where and which time I would  
3 spend my time with.

4 Only a mother may understand this, and it is difficult  
5 for me to say, but the guilt that I live with for not being  
6 able to be with each son when they needed me the most still  
7 haunts me to this day. I'm very proud of JP and Paul, the  
8 courage and strength they have shown my family and I this past  
9 two years. They've chosen to move on, adjusting to the new  
02:53 10 normal and have accepted their life to the better. They have  
11 clearly decided to forgive and not permit hurt and anger to  
12 enter their world and to live life to the fullest, but they are  
13 still human.

14 They were once trade guys. Roofers. You know, the  
15 guys who are supposed to handle everything and solve  
16 everything? Well, I know they do not want their family and  
17 friends to see them struggle, but I see how the tragic event  
18 has affected them and their siblings. I see the pain, and I  
19 can't begin to describe in words how they have suffered  
02:53 20 throughout this nightmare.

21 We are a very close family, and my granddaughter  
22 idolizes JP and Paul. I can tell you the day they were trying  
23 to find the right words to explain to her why they lost their  
24 legs, and how extremely difficult it was for them. That day I  
25 knew our lives had changed forever. There is not a day that

1 goes by that a family member does not shed a tear. The simple  
2 things in life now becoming a challenge. The thing that most  
3 of us take for granted daily, but now at the very least are  
4 difficult and clearly heartbreaking for us to witness.

5 But please let me remind you I'm also very grateful  
6 that I have my two sons here today. Not for a minute am I  
7 saying me or my family have experienced the worst because  
8 that's not true. There are many familiar faces of families  
9 here that lost so -- even more, and believe me, my heart breaks  
02:54 10 for them every day. Although I'm speaking for my family, I  
11 want you to know as a mother, we have a common bond that will  
12 forever unite us because we truly all lost so much on April  
13 15th.

14 I worry every single day about them. As soon as they  
15 walk out the door, I'm filled with worry. I worry when they're  
16 home alone, without their prosthetic on; I worry when it snows  
17 out and there's ice on the ground. I worry about every little  
18 thing. I struggle with the deepest sadness and I question God  
19 every day why. But we find strength in each other in knowing  
02:54 20 that justice has been served.

21 Regrettably, my family and I do relive April 15th  
22 every single day. Every day the boys wake up and are forced to  
23 put on their prosthetic, they're reminded of the explosion.  
24 The heartache never goes away, when they look in the mirror,  
25 when they see the scars across the bodies, surely April 15 will

1     haunt us forever.

2             I have sat through most of the trial in hopes of  
3     making some sense of how anyone could intentionally blow up  
4     innocent human beings and small children. I can't even begin  
5     to imagine the pain and suffering my boys and all the other  
6     survivors and first responders went through that day on  
7     Boylston Street, but now after all the evidence we've heard,  
8     after all the tearful testimony from other survivors and some  
9     of the victims themselves and the families that weren't lucky  
02:55 10     enough to have all of their loved ones here today, after  
11     watching the video footage will forever be a part of my memory,  
12     it was truly -- it was and is truly upsetting and distressing  
13     to see the wreckage, carnage, damage and death to know my two  
14     sons and many others were lying on a cold, hard, concrete  
15     ground, blood draining from their bodies. There are no words  
16     to describe the anguish being felt that day. I can only hope  
17     that pain lessens as time subsides.

18             Thank you.

19             MS. PELLEGRINI: Heather Abbott.

02:56 20             My name is Heather Abbott, A-B-B-O-T-T. Your Honor,  
21     first I would like to thank you and our government for the  
22     thorough work and thoughtful detail used in presiding over and  
23     presenting this case. I would also like to express my sincere  
24     and heartfelt thanks to the members of the jury. I hope you  
25     know how much you're appreciated for the close attention you

1 paid to the testimony and to the evidence presented and for the  
2 sacrifices you made in order to be on this extremely important  
3 jury.

4 Admittedly, I don't envy the position you were in,  
5 being charged with determining whether or not another human  
6 being is put to death. I have no doubt that it was among the  
7 most, if not the most, difficult decision you've ever had to  
8 make. It's hard to believe that another human being, along  
9 with his brother, could have made that very same decision for  
02:57 10 four innocent young lives, with the hopes of taking even more.

11 I didn't hear much about what happened to the  
12 defendant, whether he died in prison or died by lethal  
13 injection. What he did can't be changed, but he will never  
14 have the opportunity to harm anyone else. That's what's  
15 important to me. I care about what lies ahead for me and for  
16 the others who live with missing family members and injuries  
17 with missing limbs.

18 Because of the defendant's actions, our lives are  
19 severely altered for reasons I just can't understand. By  
02:57 20 taking away my leg, he has reduced my level of independence,  
21 something I've always cherished. Not only has he altered my  
22 appearance, but I now live with constant nerve pain, sleepless  
23 nights, uncertainty about the current and future medical  
24 problems related to my limb loss that I face, and the  
25 likelihood it will cause me to be in a wheelchair as I grow

1 older. He has caused me financial burden beyond what I could  
2 have ever imagined due to the tremendous cost of the prosthetic  
3 legs I now use and the lack of health insurance that exists to  
4 cover their cost. I require five different prosthetic legs to  
5 even come close to regaining the life I used to have, each of  
6 which costs between 15,000 and \$70,000 each, and need to be  
7 replaced every three to five years for wear and tear.

8 Rather than spend my days at my former full-time job,  
9 I now spend much of them in doctors' offices being examined,  
02:58 10 x-rayed and fitted for legs. I will forever carry the label  
11 the woman who lost her leg in the Boston Marathon bombing in  
12 this little seaside city where I live, Newport, Rhode Island.  
13 I will never hop out of bed in the morning again. I won't go  
14 on a spontaneous run in my neighborhood as I used to do. I  
15 won't feel the sand between ten toes at the beach that I used  
16 to love. I will have to consider distances, obstacles,  
17 surfaces, weather conditions and pain levels any time I walk,  
18 all things I used to take for granted. I often feel I've aged  
19 40 years in these past two due to all the assisted medical  
02:59 20 equipment I now require.

21 I could go on and on about the detriment the defendant  
22 has caused to my life and the devastation he's caused to my  
23 family, but I would imagine that would make what he's done all  
24 worth it to him. I wondered as I heard each one of us tell our  
25 stories of pain and agony on the witness stand whether he



1 considered them success stories. That's exactly what he  
2 wanted: to kill and hurt innocent people; to leave his mark on  
3 America. He succeeded. However, there are residual effects to  
4 his terror that no one could have anticipated, effects that  
5 will cause his mark to diminish over time.

6           Shortly after he killed three and maimed dozens, he  
7 tweeted, "Ain't no love in the heart of the city." He couldn't  
8 have been more wrong. His dark, dismal existence wouldn't  
9 allow him to see the love in the city of Boston: The heroes  
03:00 10 who saved people's lives that day; the family and friends who  
11 came together to support those who were hurt; the strength and  
12 resilience of those whose lives he changed forever, and the  
13 unbreakable bond that has been formed amongst us. He didn't  
14 anticipate the outpouring of love and support for Americans  
15 from all over the world. This support had no race, gender or  
16 religion. His focus on hate blinded him to the love that is  
17 present here in America and the compassion and fellowship that  
18 exists among human beings everywhere.

19           Dzhokhar Tsarnaev has also taken away his own  
03:01 20 freedoms, rights that he enjoyed and took every advantage of  
21 prior to his decision to become a murderer and a terrorist.  
22 Although he may not have remorse for what he did to us, may he  
23 at the very least think about what he robbed himself of in his  
24 young life and those who care about him while he's sitting on  
25 death row.

1 I may be an amputee now but I still have my life,  
2 unlike four of his other victims, and I intend to live it to  
3 the fullest. I would like Dzhokhar Tsarnaev to know that he  
4 did not break me; that the memory of those he killed will be  
5 kept alive by those who survived his terror, and it is I and  
6 the other survivors who will be remembered for our resilience  
7 while his memory fades. Boston Strong and the American spirit  
8 lives on. Thank you.

9 MR. MELLIN: Rebekah Gregory.

03:02 10 MS. GREGORY: Good afternoon, your Honor. First of  
11 all, I want start by thanking each and every member of the  
12 jury. I can't imagine what you all have had to go through and  
13 to put your lives on hold for the past couple of months and see  
14 everything that you have. And I personally want to give you a  
15 hug after all of this is over. And I want to thank the  
16 prosecution and the U.S. Attorney's Office for how many hours  
17 that you've all put into this for us and how hard you've worked  
18 to give us a voice.

19 I was asked to give a victim impact statement today,  
03:03 20 but in order to do that, I'd have to be someone's victim, and  
21 I'm definitely not yours or your brother's. For months now  
22 everyone has watched you basically gawk at the horrific footage  
23 of the devastation that you caused with little to no remorse.  
24 You even saw an up-close video of my own legs completely blown  
25 apart. And I have to ask: Did that make you feel good? I can

1 only hope it felt as good as the numerous surgeries everyone  
2 has had to have as a result.

3 Each day you've spent the majority of your time in  
4 this courtroom fiddling with your pencil and cracking jokes  
5 with your attorney while innocent people have had to come in  
6 and rehash the most heart-wrenching details of everything that  
7 was taken from them. I even witnessed your refusal to stand up  
8 and acknowledge the jury on the second day of the trial.

9 Yeah, you remember that aggressive nudge from Miriam?  
03:04 10 I saw it. As a matter of fact, it was very much like the one  
11 your backpack gave me the day of the bombing. And, of course,  
12 if this were normal circumstances, I would simply ask if this  
13 was how your mom raised you. But that would be a whole  
14 different issue, now, wouldn't it?

15 And I get the general idea of how these things are  
16 supposed to flow, but it's hard for me to wrap my head around  
17 spending my time talking about what you're already aware of.  
18 While it's absolutely important to explain the severe role PTSD  
19 plays in both mine and my child live's now, as well as  
03:04 20 long-term headaches of being an amputee, what's more crucial to  
21 me is that before you die, you are shown the bigger picture of  
22 what your act of hate has truly done.

23 So in case it slipped your mind, I'm Rebekah, and  
24 since I was standing a couple of feet away from the first bomb,  
25 your brother is actually the one who blew me up. But since

1 he's not here, you get to be the one I give my dose of reality  
2 to, so listen closely. Terrorists like you do two things in  
3 this world: One, they create mass destruction; but the second  
4 is quite interesting, because do you know what mass destruction  
5 really does? It brings people together. Over the last two  
6 years, myself, along with the other survivors, have seen the  
7 hearts and souls of millions across the world, an outpouring of  
8 love that stretches hundreds of thousands of miles for one act  
9 of hate that stretched a couple of hundred feet.

03:05 10 And while you seem proud to be responsible for blowing  
11 up Marathon Monday, the legacies of Martin Richard, Lingzi Lu,  
12 Krystle Campbell and Sean Collier blow up the entire nation  
13 every day. Let that sink in for a minute. Because when people  
14 look back on April 15th, 2013, they won't remember your name or  
15 your brother's. Instead, what they will think about is the  
16 courage and bravery everyone has shown and the amazing feats  
17 those affected have gone on to do.

18 Do you know how many foundations have been set up to  
19 give back and help others? How many people have made full-time  
03:06 20 careers of traveling the world speaking out against evil? That  
21 is why it's so funny to me that you smirk and flip off the  
22 camera. Because truthfully, I feel like that's what we're  
23 doing to you every day we continue to succeed, fake limbs or  
24 not.

25 And in preparing this, I asked my seven-year-old, who

1 was also there with me that day, if he could say one thing to  
2 you, what it would be. And his reply was better than I could  
3 have ever imagined. "You made us stronger." So by all means  
4 smile, gawk, make your jokes and hate Americans. But when  
5 you're sitting in your prison cell, I want you to remember this  
6 one promise from me: I, Rebekah Gregory, vow with the rest of  
7 my life to use the platform I've been given to do my part in  
8 changing the world for the better in honor of the people that  
9 weren't so lucky that day.

03:07 10 I will come up with new ways to shine my light  
11 brighter than the day before and continue to stress the  
12 importance of truly enjoying every minute we are given no  
13 matter the circumstances. When I look down at my leg, I will  
14 not allow myself to become angry; instead, I will count it as a  
15 blessing that I can try to encourage others through the hand  
16 that I've been dealt. And during those frequent nights I wake  
17 up screaming due to nightmares, I still will not hold any  
18 resentment, I will only let it give me further drive to push  
19 forward no matter how many times life blows up in my face.

03:07 20 So despite what you think you've done, reality clearly  
21 states that you and your brother have lost. While your  
22 intention was to destroy America, what you have really  
23 accomplished is actually quite the opposite. You've unified  
24 us. And though we have a long way to go, because of such a  
25 horrific act, there are that many more people ready to do the

1 dirty work of getting rid of evil once and for all.

2 At 21 years old, I can't believe that you didn't think  
3 twice about wasting such a precious life, and I'm sad that you  
4 won't be here to see what happens next. We are Boston Strong,  
5 we are America strong, and choosing to mess with us was a  
6 terrible idea.

7 So how's that for your victim impact statement?

8 MS. PELLEGRINI: Your Honor, that completes the  
9 presentation of the victim impact statements.

03:08 10 THE COURT: All right. I have previously addressed  
11 the Guidelines calculation and the recommendation with respect  
12 to imprisonment sentence. There are other potential elements  
13 of the sentence. If the government wishes to address any of  
14 those at this time?

15 MR. WEINREB: Your Honor, separately from allocuting  
16 about the sentence in general or should we --

17 THE COURT: Both.

18 MR. WEINREB: Is this microphone okay or should we --

19 THE COURT: You can stand there if you want.

03:09 20 MR. WEINREB: Thank you. Your Honor, the defendant  
21 helped plan and carry out one of the most horrific terrorist  
22 attacks ever on American soil. He murdered two young women, a  
23 little boy and a police officer. He permanently maimed 17 men,  
24 women and children who will have to live without one or both  
25 legs for the rest of their lives, and he injured hundreds more.

1 He burned some and blinded others. He filled victims with  
2 pieces of shrapnel that will in some cases remain in their  
3 bodies forever. He caused dozens, if not hundreds, to suffer  
4 pain, hearing loss, insomnia, nightmares, anxiety and  
5 depression. The defendant did all of this not because of  
6 mental illness or childhood trauma or social disadvantage, but  
7 as a means to an end. His actions were politically motivated.  
8 His goal was to glorify violent extremism and to weaken America  
9 by terrifying and demoralizing the American population.

03:10 10 But in that regard, the defendant's actions were a  
11 total failure. The only thing he showed the world is that  
12 violent extremism is morally bankrupt. It accomplishes nothing  
13 but pointless suffering. Far from demoralizing Americans, the  
14 defendant's savage attack on women, children and other  
15 innocents brought out the best in American people. The victims  
16 and survivors have reacted to their loss with strength and  
17 dignity. Family members and friends, first responders,  
18 hospital workers and devoted caretakers have all shown  
19 boundless compassion and generosity. People from all over the  
03:11 20 nation and the world have contributed money, time, kindness and  
21 love. Even so, the harm the defendant caused to the victims  
22 cannot be undone. The families of the dead and wounded will  
23 suffer for their entire lives. Their pain, their grief, their  
24 loss can never be erased. They can never be made whole.

25 Despite the barbaric nature of the defendant's crimes,

1 his treatment has been civilized and humane. He received a  
2 public trial before a fair and impartial jury. He was assisted  
3 by lawyers of his choice and a team of assistants who summoned  
4 witnesses to testify for him from all over the world. But  
5 nothing that was said by them could distract from the enormity  
6 of his crimes. The trial of this case was a quintessential  
7 example of American justice, and so was the jury's verdict.

8 And so the government now asks that the Court give  
9 effect to that verdict by sentencing the defendant to death on  
03:12 10 Counts 4, 5, 9, 10, 14 and 15, and to life imprisonment without  
11 the possibility of release on Counts 1, 2, 3, 6, 7, 8, 12, 13,  
12 16, 17, and 18. By law, Counts 3, 8, 13, 16, 17 and 18 must  
13 run consecutively with each other and with any other sentence.

14 The government further requests that the defendant be  
15 sentenced to seven years imprisonment on Count 20, to 25 years  
16 imprisonment on Count 2, and to life imprisonment on Counts 24,  
17 26, 28 and 30, all to run consecutively to each other and to  
18 any other sentence.

19 The government requests that the defendant be  
03:13 20 sentenced to 25 years imprisonment on Count 19, the carjacking  
21 count; to 20 years imprisonment on Count 21, the robbery count;  
22 to life imprisonment on Count 11, which charges conspiracy to  
23 maliciously destroy property; and to life imprisonment on  
24 Counts 23, 25, 27 and 29, which charge use of a weapon of mass  
25 destruction in Watertown.



1           On each count on which the defendant is not sentenced  
2     to death, the government requests that the defendant be  
3     sentenced to the maximum authorized term of supervised release.  
4     Pursuant to Title 18, United States Code, Section 981(a)(1)(G),  
5     and 28, United States Code, Section 2461(c), the government  
6     requests that the Court grant the government's forfeiture  
7     motion, pronounce it orally as part of the sentence, include it  
8     in the judgment and commitment order, and enter the  
9     government's proposed preliminary order of forfeiture.

03:14 10           Pursuant to Title 18, United States Code, Section  
11     3013, the government requests that the Court sentence the  
12     defendant to pay a \$100 mandatory special assessment on each of  
13     the 30 counts of conviction.

14           Finally, pursuant to Title 18, United States Code,  
15     Section 3663A(a)(1), and 18, United States Code, Section  
16     3664(d)(5), the government requests that the Court order the  
17     defendant to pay restitution to the victims of his crimes in  
18     amounts to be determined within 90 days of the judgment.

19           Thank you.

03:15 20           THE COURT: All right.

21           MS. CLARKE: Your Honor, we have some legal  
22     requirements to talk to the Court about and an allocution to  
23     make, and I wonder if the Court would give a break or perhaps  
24     take the lunch break at this point.

25           THE COURT: I think we might take the lunch break at

1 this point. Why don't we return at 1:30.

2 THE CLERK: All rise for the Court.

3 (The Court exits the courtroom at 12:43 p.m.)

4 THE CLERK: Court will be in recess.

5 (There is a recess in the proceedings at 12:43 p.m.)

6 THE CLERK: All rise for the Court.

7 (The Court enters the courtroom at 1:37 p.m.)

8 THE CLERK: For a continuation of the Tsarnaev  
9 sentence. Be seated.

04:10 10 THE COURT: Ms. Clarke?

11 MS. CLARKE: Thank you, your Honor. Before  
12 we -- Mr. Tsarnaev addresses the Court, I wanted to address the  
13 Court with regard to a few matters. There have been comments  
14 over time with regard to Mr. Tsarnaev lacking remorse and  
15 lacking an apology and for being sorry for his actions. And I  
16 think it's incumbent upon us to let the Court know that  
17 Mr. Tsarnaev offered to resolve this case without a trial as  
18 far back as October of 2013, and in January of 2014 provided a  
19 letter of apology. But he will also speak today and address  
04:11 20 those issues as well. It is the government's right to have  
21 refused the offer of settlement and the letter, but we're here  
22 with legal issues to address.

23 Mr. Weinreb asked that the Court enter a restitution  
24 order today. I would note that the presentence report  
25 indicated that the government would be providing a date by

1 which it would submit information with regard to restitution.  
2 As a result, we filed nothing in that regard, anticipating  
3 litigation would be later. We do need to note to the Court  
4 that we that will be objecting to the entry of an order of  
5 restitution on the grounds of *Apprendi*. I know that that's  
6 speaking Greek, but the Court understands the language. It is  
7 a live and debatable issue, and we think that the Court should  
8 not impose the order of restitution.

9 The same goes for forfeiture. Your Honor, the  
04:12 10 government filed a forfeiture motion on the 19th of June. It  
11 was our understanding that we had two weeks to respond to that,  
12 that it would not be entered before we could respond. The same  
13 *Apprendi* argument will apply to the forfeiture order, and we  
14 ask that the Court defer until we can raise that appropriately  
15 before the Court.

16 It is my understanding that the recommendation of the  
17 government, although I didn't hear it -- but the recommendation  
18 of the government and probation, I believe, is that there be no  
19 fine imposed because of the lack of ability to pay. We do  
04:12 20 understand that the Court would be imposing special assessments  
21 on each of the 30 counts in the amount of \$100 each, for a  
22 \$3,000 total. We have discussed with the government how  
23 that -- how the judgment should read in terms of the  
24 responsibility to pay it. As we all know, Mr. Tsarnaev will be  
25 serving -- facing executions, awaiting for the execution of his

1 death sentences and will not be having, you know, income.

2 We would ask that the Court -- we have some language  
3 for the Court to include in the judgment. If the Court wants  
4 me to say it orally or simply provide it to the Court  
5 afterwards, it regards how it -- how the assessment is  
6 collected from wages. The language would be "shall be  
7 collected from prison wages if any are earned and not from  
8 funds deposited in the commissary account." If there is some  
9 concern about overages in the commissary account which we do  
04:13 10 not ever envision but the government has hypothesized about, we  
11 would ask that the Court allow there to be a minimum below  
12 which the commissary account could not be taken. As the Court  
13 knows, that is for some very basic necessities.

14 THE COURT: Let me just say to that point, I'm  
15 inclined to the latter; that is, that there be some fuller,  
16 below which assessments cannot be drawn. I don't know whether  
17 the Bureau of Prisons has any regular practice with respect to  
18 such matters and whether there might already be a regulation  
19 that provided that.

04:14 20 MR. WEINREB: I believe there is, your Honor. I  
21 believe that the Bureau of Prisons normally takes the position  
22 that the first \$75 -- basically \$75 per month of a defendant's  
23 commissary monies are exempt from the payment towards any fines  
24 or special assessments, restitution and so on, and that that is  
25 pretty standard for --

1 THE COURT: Well, accepting your representation  
2 without researching it, I think that's adequate and we can rest  
3 on that, just as to that point.

4 MS. CLARKE: And I could -- well, we think there  
5 should be a slightly higher threshold, but I could also provide  
6 the Court with a judgment where language was used and that has  
7 been complied with.

8 THE COURT: Well, no, I think we've resolved that. I  
9 think that -- it's amendable. If it turns out to be an issue  
04:15 10 of some kind --

11 MS. CLARKE: A clear error.

12 THE COURT: -- we can readdress it.

13 MS. CLARKE: The other issue I believe was addressed  
14 in the objections in the presentence report, and that is the  
15 applicability of supervised release to any sentences other than  
16 those that are a term of years. In this case, the term of  
17 supervised release is, you know --

18 THE COURT: I'm not going to impose supervised release  
19 in this case. It's unnecessary as a practical matter in light  
04:15 20 of the other structural sentence I will announce.

21 MS. CLARKE: Thank you, your Honor.

22 The other area is what the government filed last night  
23 and the proposed language for the judgment following Statute  
24 3596 and then the C.F.R.s. The government filed proposed  
25 language and then amended it with a revised proposed, and we

1 don't -- we think the Court needs more thought than that and we  
2 should respond.

3           The government has identified Indiana as the state  
4 that the Court should identify in the judgment where the  
5 execution will take place. I know that the Court is probably  
6 aware of Judge Wolf's analysis in *Sampson*, and it is more of a  
7 balancing act than that. That seems to be a bureaucratic  
8 desire on the behalf of the government which, frankly, flies in  
9 the face of the government's venue arguments in this case. And  
04:16 10 Judge Wolf in *Sampson* noted that it's a -- I can just quote the  
11 language. "The execution of a human being by the state is  
12 perhaps the most solemn and significant act a government can  
13 perform. It should not be reduced to an invisible bureaucratic  
14 function. There is, therefore, a strong public interest in the  
15 execution being as accessible as possible to the people most  
16 interested in and impacted in it." And as a result, Judge Wolf  
17 identified the state of New Hampshire because Massachusetts  
18 does not have a manner of execution.

19           We do have some language. I think that probably the  
04:17 20 most -- the safest course of action for the Court is to adopt  
21 the judgment language that Judge Wolf used in *Sampson*, and we  
22 have that and can submit it to the Court. It lays out the  
23 language that should be included in the judgment with regard to  
24 execution.

25           THE COURT: Do you want to respond to that?

1 MR. WEINREB: Your Honor, the defense's proposal, as I  
2 understand it, essentially tracks the language of the  
3 regulation and adds in this other language based on Judge  
4 Wolf's opinion regarding New Hampshire. The regulation is not  
5 what controls in this case; it's the statute. I believe it's  
6 18 U.S.C. 3596, is what specifies what the -- how --

7 MS. CLARKE: I've got it.

8 MR. WEINREB: -- its implementation in a sentence of  
9 death, and it explains the legal requirement.

04:18 10 The statute simply -- the regulation simply directs  
11 the government to submit a proposed order. It's not a  
12 direction to the Court. And in any event, to the extent that  
13 it's not consistent with the statute, the statute controls.

14 The language that the government proposed in its  
15 revised motion which we submitted last night is language that  
16 has been worked out over time among various interested parties  
17 who actually are involved in the implementation of the  
18 sentence, BOP, the U.S. Marshal's Service among them, and is  
19 what the government normally recommends in all of these cases.  
04:19 20 And it is typically, to our understanding, of course, adopted  
21 in cases consistent with the statute, and it is a -- it both  
22 fulfills the statutory requirements and is a practical set of  
23 instructions that the government is familiar with and will  
24 facilitate the orderly execution of the sentence.

25 MS. CLARKE: Well, Judge, I'm not sure that that's

1 exactly right. 3596 provides, "If the law of the state does  
2 not provide for implementation of a sentence of death, the  
3 Court shall" -- the Court, not the government or the Bureau of  
4 Prisons -- "shall designate another state, the law of which  
5 does provide for the implementation of a sentence of death, and  
6 the sentence shall be implemented in the latter state in the  
7 manner prescribed by law." So it is a Court determination of  
8 which state will implement the sentence of death.

9 And Judge Wolf went through a balancing determination  
04:20 10 in *Sampson* and determined, as I read one of the reasons -- part  
11 of the reasons was because of the people most affected need to  
12 have access to the execution and that it is not just a  
13 bureaucratic administrative act but a very solemn, profound act  
14 by our government.

15 THE COURT: Okay. This is not an issue that was  
16 raised or briefed. It was not formally presented. I did spend  
17 some time thinking about it nonetheless and I think the  
18 government's suggestion is an acceptable one. Indiana is the  
19 location of the institution, Terre Haute, which is the federal  
04:21 20 death row, as they say in casual language, and I think that  
21 makes an appropriate default position. So I will accept the  
22 government's recommendation on that.

23 MS. CLARKE: Your Honor, I have a couple of  
24 ministerial matters that do not affect the imposition of  
25 sentence and can be delayed. I think Mr. Tsarnaev is prepared



1 to address the Court.

2 THE COURT: All right, Mr. Tsarnaev.

3 MS. CLARKE: May I move the microphone?

4 THE DEFENDANT: Thank you, your Honor, for giving me  
5 an opportunity to speak. I would like to begin in the name of  
6 Allah, the exalted and glorious, the most gracious, the most  
7 merciful, "Allah" among the most beautiful names. Any act that  
8 does not begin in the name of God is separate from goodness.

9 This is the blessed month of Ramadan, and it is the  
04:22 10 month of mercy from Allah to his creation, a month to ask  
11 forgiveness of Allah and of his creation, a month to express  
12 gratitude to Allah and to his creation. It's the month of  
13 reconciliation, a month of patience, a month during which  
14 hearts change. Indeed, a month of many blessings.

15 The Prophet Muhammad, peace and blessings be upon him,  
16 said if you've not thanked the people, you've not thanked God.  
17 So I would like to first thank my attorneys, those who sit at  
18 this table, the table behind me, and many more behind the  
19 scenes. They have done much good for me, for my family. They  
04:23 20 made my life the last two years very easy. I cherish their  
21 company. They're lovely companions. I thank you.

22 I would like to thank those who took time out of their  
23 daily lives to come and testify on my behalf despite the  
24 pressure. I'd like to thank the jury for their service, and  
25 the Court.

1           The Prophet Muhammad, peace and blessings be upon him,  
2       said that if you do not -- if you are not merciful to Allah's  
3       creation, Allah will not be merciful to you, so I'd like to now  
4       apologize to the victims, to the survivors.

5           Immediately after the bombing, which I am guilty of --  
6       if there's any lingering doubt about that, let there be no  
7       more. I did do it along with my brother -- I learned of some  
8       of the victims. I learned their names, their faces, their age.  
9       And throughout this trial more of those victims were given  
04:24 10      names, more of those victims had faces, and they had burdened  
11      souls.

12           Now, all those who got up on that witness stand and  
13      that podium related to us -- to me -- I was listening -- the  
14      suffering that was and the hardship that still is, with  
15      strength and with patience and with dignity. Now, Allah says  
16      in the Qur'an that no soul is burdened with more than it can  
17      bear, and you told us just how unbearable it was, how  
18      horrendous it was, this thing I put you through. And I know  
19      that you kept that much. I know that there isn't enough time  
04:25 20      in the day for you to have related to us everything. I also  
21      wish that four more people had a chance to get up there, but I  
22      took them from you.

23           Now, I am sorry for the lives that I've taken, for the  
24      suffering that I've caused you, for the damage that I've done.  
25      Irreparable damage.

1           Now, I am a Muslim. My religion is Islam. The God I  
2       worship, besides whom there is no other God, is Allah. And I  
3       prayed for Allah to bestow his mercy upon the deceased, those  
4       affected in the bombing and their families. Allah says in the  
5       Qur'an that with every hardship there is relief. I pray for  
6       your relief, for your healing, for your well-being, for your  
7       strength.

8           I ask Allah to have mercy upon me and my brother and  
9       my family. I ask Allah to bestow his mercy upon those present  
04:26 10      here today. And Allah knows best those deserving of his mercy.  
11      And I ask Allah to have mercy upon the ummah of Prophet  
12      Muhammad, peace and blessings be upon him. Amin. Praise be to  
13      Allah, the Lord of the Worlds.

14           Thank you.

15           THE COURT: All right. First, I want to acknowledge  
16      the presence of a number of the jurors and alternates who  
17      participated in the trial of this case. They are here at my  
18      invitation. It is my practice, after a verdict in every  
19      criminal trial, to talk informally with the discharged jurors,  
04:27 20      principally to thank them again personally for their service.  
21      It is my habit on such occasions to invite them to return to  
22      attend the sentencing hearing, and sometimes they do.

23           Consistent with that practice, I extended a similar  
24      invitation to the jurors in this case to attend. As you can  
25      see, many of them accepted and are here. Because so many were

1 interested and because we have limited public seating in the  
2 courtroom, as a courtesy and as a gesture of respect for their  
3 service, I authorized them to sit in the jury box. I do want  
4 to emphasize, of course, that they are present now simply as  
5 members of the public. They are no longer a jury, but a group  
6 of citizens who are here, each in his or her individual  
7 capacity. Nonetheless, I take this occasion again to thank the  
8 now-former jurors for their exceptional service.

9 Much of the evidence in this case was hard to hear and  
04:28 10 see. We made great demands on their time and asked them to  
11 insulate themselves from potential extraneous influences in  
12 ways that an ordinary person would find difficult or  
13 uncomfortable. We asked them to make significant changes to  
14 their daily routines and to spend a long time away from work  
15 and other pursuits. We also asked them to accept the  
16 responsibility to set aside any preconceived ideas, and instead  
17 to reason from the evidence presented in this trial to any  
18 conclusions and not the other way around.

19 Above all, we asked them, as they acted to perform  
04:29 20 their high duty, to be utterly fair and impartial in their  
21 deliberations. Their careful verdict satisfies me that they  
22 did what they were asked to do. Theirs was not the only  
23 possible verdict, but it is certainly a rational one on the  
24 evidence.

25 That they performed their duty so well and faithfully

1 came as no surprise to me. I've been presiding over jury  
2 trials in this state for more than 30 years, and I know how  
3 seriously Massachusetts jurors take the responsibilities of  
4 jury service. I had no doubt that we could select a jury for  
5 this case that would accept and perform their high duty  
6 conscientiously and justly. The proof is in the pudding.

7 This was an extraordinary case. Those of us who sat  
8 through it from beginning to end saw and heard things we will  
9 never forget, both good and bad. First, we will never forget  
04:30 10 the victims of these crimes and their individual stories. We  
11 appreciate the presentations made here today. It takes a good  
12 deal of courage to stand up in this setting and to make such  
13 intensely personal statements.

14 Today's presentations were relatively brief. We had a  
15 fuller opportunity to see and hear those victims who testified  
16 as witnesses during the trial. Their courage throughout their  
17 extended ordeal was exemplary. We were impressed by their  
18 dignity. What I'll never forget is how, as the tragic events  
19 unfolded, one after another victims, who themselves were  
04:31 20 grievously wounded, worried about someone else: a spouse, a  
21 parent, a child, a friend. Concern for others was everywhere  
22 on display that day, even from people who were themselves  
23 experiencing the deepest anguish.

24 We will all remember the heroes. And there were many.  
25 One thing that particularly stands out for me, for example, is

1 that when Boston police officers like Lauren Woods and Tommy  
2 Barrett saw people running away from danger, they ran toward  
3 it, not knowing what they would encounter. Days later,  
4 Watertown police officers put their lives on the line in the  
5 shootout on Laurel Street.

6 But it was not just those who had official duties.  
7 After the explosions, people in the crowd immediately responded  
8 to help where they could. How many times did we hear of  
9 someone at the scene spontaneously taking off his belt to use  
04:32 10 it as a makeshift tourniquet for one of the injured, or using a  
11 drink to try to douse burning clothing, or simply trying to  
12 give comfort to one of the injured? Nor can we forget the  
13 bravery of Dun Meng, whose courageous escape was the beginning  
14 of the end for the fugitive brothers.

15 The medical response was similarly heroic, from the  
16 EMTs to the nurses and doctors in the medical tents and at the  
17 hospitals. I have two particularly vivid memories from the  
18 testimony: One was EMS Chief Hooley's description of the red,  
19 yellow, green triage process at the medical tent, crucial  
04:33 20 life-or-death decisions being made instantly because they had  
21 to be; the other was Dr. Heather Studley's testimony about how  
22 she and her team at Mount Auburn literally revived Dic Donohue  
23 after what might have been regarded as clinical death.

24 Finally, I commend what appears from this vantage  
25 point to have been the meticulous professionalism of the law

1 enforcement post-crime investigation. I'm sure there were  
2 hitches and glitches. There always are. But the painstaking  
3 collection and analysis of evidence was extraordinary. If you  
4 want a real-life example of looking for a needle in a haystack,  
5 how about looking for a knapsack in a landfill?

6 Those are some of the good things I'll remember. The  
7 bad things, however, will be even harder to forget. I turn to  
8 those now as I address the defendant. One of Shakespeare's  
9 characters observes: "The evil that men do lives after them.  
04:34 10 The good is oft interred with their bones." So it will be for  
11 Dzhokhar Tsarnaev.

12 Whenever your name is mentioned, what will be  
13 remembered is the evil you've done. No one will remember that  
14 your teachers were fond of you. No one will mention that your  
15 friends found you funny and fun to be with. No one will say  
16 you were a talented athlete or that you displayed compassion in  
17 being a Best Buddy or that you showed more respect to your  
18 women friends than your male peers did. What will be  
19 remembered is that you murdered and maimed innocent people and  
04:35 20 that you did it willfully and intentionally. You did it on  
21 purpose.

22 You tried to justify it to yourself by redefining what  
23 it is to be an innocent person so that you could convince  
24 yourself that Martin Richard was not innocent, that Lingzi Lu  
25 was not innocent, and the same for Krystle Campbell and Sean

1 Collier and, therefore, they could be, should be killed. It  
2 was a monstrous self-deception. To accomplish it, you had to  
3 redefine yourself as well. You had to forget your own  
4 humanity, the common humanity that you shared with your brother  
5 Martin and your sister Lingzi.

6 It appears that you and your brother both did so under  
7 the influence of the preaching of Anwar al-Awlaki and others  
8 like him. It is tragic, for your victims and now for you, that  
9 you succumbed to that diabolical siren song. Such men are not  
04:36 10 leaders but misleaders. They induced you not to a path to  
11 glory but to a judgment of condemnation.

12 In Verdi's opera Otello, the evil Iago tries to  
13 justify his malice. "Credo in un Dio crudel," he sings. "I  
14 believe in a cruel god." Surely someone who believes that God  
15 smiles on and rewards the deliberate killing and maiming of  
16 innocents believes in a cruel god. That is not, it cannot be,  
17 the god of Islam. Anyone who has been led to believe otherwise  
18 has been maliciously and woefully deceived.

19 Mr. Tsarnaev, if you would stand, please.

04:37 20 (The defendant complies.)

21 THE COURT: The jury has unanimously condemned you to  
22 death for your personal actions in placing the bomb that killed  
23 Martin Richard and Lingzi Lu, thus distinguishing your  
24 culpability for those acts from your culpability for other  
25 criminal acts. That is a reasoned moral judgment. It is my



1 duty to impose the sentence that the jury has designated with  
2 respect to the capital counts. It is my duty to determine the  
3 sentences to be imposed on the non-capital counts in accordance  
4 with the relevant statutes and after consideration of relevant  
5 sentencing factors, including Guidelines recommendation, and as  
6 I have indicated, I accept and apply the Guidelines  
7 recommendation generally as to those counts.

8 So accordingly, as to Counts 4, 5, 9, 10, 14 and 15, I  
9 sentence you to the penalty of death by execution. As to  
04:38 10 Counts 1, 2, 6, 7 and 12, I sentence you to life imprisonment  
11 without the possibility of release, the sentences on these  
12 enumerated counts to be served concurrently with each other.

13 As to Counts 11, 23, 25, 27 and 29, I sentence you to  
14 life imprisonment, sentences on these five counts to be served  
15 concurrently with each other but consecutively to the terms of  
16 imprisonment imposed on Counts 1, 2, 6, 7 and 12.

17 As to Count 19, I sentence you to imprisonment for a  
18 term of 25 years. As to Count 21, I sentence you to a term of  
19 imprisonment for 20 years. These are the maximum terms  
04:39 20 authorized for these offenses. Sentences on these two counts  
21 are to be served concurrently with each other but consecutively  
22 to the terms of imprisonment imposed as to Counts 11, 23, 25,  
23 27 and 29.

24 As to Count 3, I sentence you to life imprisonment  
25 without the possibility of release to be served consecutively

1 to all prior terms of imprisonment.

2 As to Count 8, I sentence you to life imprisonment  
3 without the possibility of release, to be served consecutively  
4 to all prior terms of imprisonment.

5 As to Count 13, I sentence you to life imprisonment  
6 without the possibility of release, to be served consecutively  
7 to all prior terms of imprisonment.

8 As to Count 16, I sentence you to life imprisonment  
9 without the possibility of release, to be served consecutively  
04:40 10 to all prior terms of imprisonment.

11 As to Count 17, I sentence you to life imprisonment  
12 without the possibility of release, to be served consecutively  
13 to all prior terms of imprisonment.

14 As to Count 18, I sentence you to life imprisonment  
15 without the possibility of release, to be served consecutively  
16 to all prior terms of imprisonment.

17 As to Counts 20 and 22, I sentence you to terms of  
18 seven years and 25 years respectively. As to Counts 24, 26, 27  
19 and 30, I sentence you to life imprisonment. These sentences  
04:41 20 are to be served consecutively to each other and consecutively  
21 to all prior terms of imprisonment.

22 No monetary fines are imposed. No term of supervised  
23 release is imposed as unnecessary as a practical matter in  
24 light of the numerous consecutive life sentences.

25 Restitution will be ordered as mandated by 18 United

1 States Code Section 3663A(a)(1). The amount of restitution  
2 shall be determined not later than September 22, 2015, which is  
3 90 days from today.

4 The government's motion for a preliminary order of  
5 forfeiture is granted and a separate preliminary order of  
6 forfeiture will be entered.

7 There is a mandatory assessment of \$100 on each of the  
8 counts of conviction for a total of \$3,000, which is due  
9 forthwith, or can be collected pursuant to the Inmate Financial  
04:42 10 Responsibility Program.

11 The defendant is committed to the custody of the  
12 attorney general until the exhaustion of the procedures for  
13 appeal of the judgment of conviction and for review of the  
14 sentence. When the sentence of death is to be implemented, the  
15 attorney general shall release the defendant to the custody of  
16 a United States marshal who shall supervise the implementation  
17 of the sentence in the manner prescribed by the law of the  
18 State of Indiana.

19 Is there anything else?

04:42 20 MS. CLARKE: Your Honor, I understand that the Court  
21 entered the order of forfeiture and entered the order of  
22 restitution, and that was over our objection with regard to  
23 *Apprendi*. Thank you, your Honor.

24 The Court noted that jurors were present. I thought  
25 that the record should reflect because of future proceedings

1 that I believe ten of the 12 regular jurors were here before  
2 lunch and an 11th came in after lunch, and three of the six  
3 alternates have been here all day sitting in the jury box. And  
4 we would ask -- I know that the Court has not made a decision  
5 about identifying jurors, but we would ask for purposes of the  
6 record that the Court identify the juror numbers of the  
7 individuals who were present.

8 THE COURT: I don't think it matters. As I said,  
9 they're not here as jurors. Their numbers don't matter any  
04:43 10 longer.

11 MS. CLARKE: I understand that. That would be our  
12 request. And we would note that they were invited to sit in  
13 the jury box. And not to the say that the Court didn't have  
14 the authority to do that, we just think that the record  
15 should --

16 THE COURT: I noted it myself.

17 MS. CLARKE: The other thing, your Honor, is the Court  
18 has set the deadline for the filing of post-trial motions of  
19 August the 17th. We will be filing the motions by that day.  
04:44 20 Under FRAP Rule 4(b), that extends the time for the filing of  
21 the notice of appeal 14 days after the ruling on timely filed  
22 motions, and we just wanted the Court to know that that would  
23 be the notice of appeal deadline for us.

24 THE COURT: I'm not an appellate practitioner but my  
25 understanding is the rule as it stands now requires the notice

1 to be filed within 14 days of the entry of judgment but that it  
2 does not become effective as a notice of appeal until the  
3 post-trial motions have been resolved. That's my  
4 understanding.

5 MS. CLARKE: And my understanding is that it is filed  
6 14 days after the ruling on a timely filed motion, but we'll  
7 certainly heed the Court's comments enough --

8 THE COURT: You would be advised to file within 14  
9 days of the date of entry of judgment.

04:45 10 MS. CLARKE: Thank you, your Honor.

11 THE COURT: I actually now formally advise the  
12 defendant that you have the right to appeal both the conviction  
13 and the sentence. If you do wish to appeal, you must file a  
14 notice of appeal in accordance with the rules of appellate  
15 procedure and that must be done within 14 days of the entry of  
16 judgment. As I say, it will become effective in light of the  
17 post-trial motions and the extension of time we've given once  
18 those post-trial motions have been resolved.

19 If that's all, then we ask the marshal to take the  
04:45 20 defendant into custody pursuant to the judgment of the Court.

21 COURT SECURITY OFFICER: Everyone remain seated,  
22 please.

23 (The defendant is escorted from the courtroom.)

24 THE COURT: These proceedings are concluded. We will  
25 be in recess.

1           THE CLERK: All rise for the Court. The Court will be  
2 in recess.

3           (The Court exits the courtroom and the proceedings  
4 adjourned at 2:13 p.m.)

## C E R T I F I C A T E

I, Marcia G. Patrisso, RMR, CRR, Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of Criminal Action No. 13-10200-GAO, United States of America v. Dzhokhar A. Tsarnaev.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSE, RMR, CRR  
Official Court Reporter

Date: 2/9/16